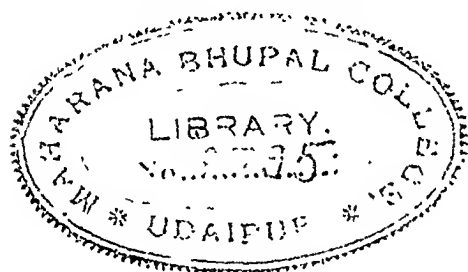


The United Nations

# The United Nations

A HANDBOOK ON THE  
NEW WORLD ORGANIZATION

Louis Dolivet



*Preface by Trygve Lie*

PHOENIX HOUSE  
*London • 1946*

TO THOSE WHO LIVE AS  
CITIZENS OF ONE WORLD  
AND WHO ACT AS  
MEMBERS OF ONE HUMANITY

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## Preface

It is the hope of all of us who have been associated with the creation and the activities of The United Nations that the organization will have the personal support of individual men and women throughout the World.

In order to succeed we must have that support. And in order to have that support we must have understanding.

Those who do not understand the ramifications of our organization, the diversity of its problems and the mechanics of its operations can only too easily become confused, and thereby discouraged, as they attempt, however sympathetically, to follow its course.

It is vital that those who have placed their trust in The United Nations shall prepare themselves to observe its workings by learning what goes to make up the organization and the work of The United Nations.

This handbook on The United Nations presents a highly interesting and understanding view of the organization as it now exists and it seems to me to capture the spirit of what we are doing and are going to do.

TRYGVE LIE  
Secretary-General  
of the United Nations

The United Nations Headquarters  
June 1946

# Introduction

TO THE average citizen of any of its fifty-one member states it appears, at first glance, an almost superhuman task to understand the complicated machinery and the involved basic principles of the United Nations. Many people find it too difficult to thread their way through the vast labyrinth of an international organization that covers every continent and almost every field of human activity.

In San Francisco and in London, in Paris and in Brussels, in Oslo and in Amsterdam, this writer found thousands rejoicing over the continuation in peace of the wartime unity of the Allies. But many of them helplessly shrugged their shoulders as soon as they were asked certain elementary questions about an organization upon which they knew their own future depended.

It was pathetic to see an elderly American lady—who had lost her husband in the first world war and whose three sons were in this one—puzzling over the articles of the freshly printed United Nations Charter. After a while she closed the pamphlet and said listlessly, "The only thing I can do is hope and pray for peace."

And there was the French farmer who during the occupation had become an important and incredibly courageous messenger between various Resistance groups and had paid the price for opposing the Nazis with the loss of his family and his home. It was painful to hear him say after listening to all the explanations, "Well, it's no use. I can plough my field and take up a gun when freedom is threatened, but this thing is just too complicated for me."

And yet the philosophy of the whole organization as well as the machinery itself was conceived in its broad outlines by three of the world's most popular leaders, Franklin Delano Roosevelt, Winston Churchill, and Joseph Stalin. Each of these three men—whatever one's final judgment about them may be—has proved beyond doubt, through the immense success achieved in his own country, that he knows how to talk to vast numbers of people, and how to create unparalleled enthusiasm for the ideas for which he stood. Their secretaries of state and various other aides, who perfected the final wording of the Charter and the other existing international instruments, have all successfully withstood the fire of public life. They have gone through the mill of difficult political careers, and it can be assumed that they knew how to write words which would be understood by everybody. The whole machinery of the UN reflects pretty well its framers' political

talent for simplification. Its constitutional structure can certainly stand up under a comparison with any existing national government, despite a certain confusion in the enumeration of the powers of the various organs, and the language of the Charter compares well with that of the American and French constitutions which are considered the best-worded of all those in existence.

What then is the reason for this widespread ignorance of the workings of the United Nations?

First, the truth is that most people have only the vaguest knowledge of the workings of even their own governments. Second, the press and radio have done a relatively limited job in explaining the various activities of the new organization. Although they reported rather extensively everything that was of direct news value about the United Nations, they found it difficult to keep the attention of the reading and listening public upon its various ramifications.

Thus the Security Council, with its background of the dramatic struggle between the different ideologies of the Eastern and Western worlds and their fights on the interpretation of the Charter, stole the show, while the more constructive potentialities of the Economic, Social, Educational, and Health fields had to take second place.

Also, the political parties in the various United Nations have not yet made the problems of the United Nations a really integral part of their political campaigns. International problems are still only a small part of the domestic picture in the various election campaigns of the major parties of the United Nations.

And yet the success or failure of the whole organization, and with it the peace of the world, depend on a thorough understanding of the United Nations by the citizens of the countries who have pledged their allegiance to it. For without understanding there can be no support, and without the support of public opinion the United Nations must fail. Unjust criticism, impatience, or vague formulas for perfection won't do.

The first task of a conscientious United Nations citizen is to get acquainted with the basic facts about the organization, its political philosophy, its powers, and its structure, and only then, on the basis of this acquired knowledge, is he ready to draw his own conclusions and to fight for all the improvements he may desire.

Whether he concludes that the United Nations is the best thing that could be achieved under present conditions and that it can maintain the unity, peace, and progress of the world, or whether he concludes that without important amendments to the Charter it cannot work, he must know the instrument. Even if he were to conclude that the United Nations cannot perform its tasks, he

will have acquired in studying it a great amount of knowledge which may help him to conceive or to evaluate other plans for international organization.

This book has been written with the hope that it may give the reader an over-all picture of the new world organization. It is not a judgment for or against the organization. It is merely an attempt to review the essential features of each activity falling within the competence of the United Nations.

Despite the utmost desire for objectivity, the author must confess that some interpretations of the Charter might not meet with the agreement of all parties concerned. But this is unavoidable; for as long as the Assembly, the Security Council, and the other organs have not interpreted certain Articles of the Charter, the only method one can use is to apply its spirit. However, these interpretations were discussed by the writer with many of the delegations, and it is hoped that he has expressed their views.

The author's thanks for brilliant and untiring help in research go to Mr. S. Trop, and for unfailing technical assistance to Miss M. Goebel.

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## CHAPTER ONE

# The Structure and Purpose of the United Nations

RARELY IN history has an inter-governmental organization, from its very inception, been subject to so many contradictory interpretations and evaluations as has the United Nations. Immediately the principles of the San Francisco Charter became known in the various parts of the world, statesmen and commentators, political leaders and plain citizens were divided into pro- or anti-United Nations groups. The first, and larger, group contended that at last an organization capable of continuing the wartime unity of the Allies into the peace had been created; the second insisted that the maintenance of absolute national sovereignty and the veto provisions would make it impossible for the organization to function as the principal peace-maintaining machinery of humanity. Between these two extremes there are innumerable interpretations of the United Nations as a transitional instrument for an effective world organization. In meetings and discussion groups, in editorials and radio forums, suggestions are being made to transform the United Nations into a global parliament, to amend the Charter immediately, while others warn against undue haste and the danger of abandoning national privileges.

However, very often the various suggestions fail to take into account what the United Nations actually is. Therefore, we begin with a definition of the United Nations.

*✓The United Nations is an organization of sovereign states which have agreed to join their efforts in order to maintain international peace, to co-operate on the solution of economic, social, and cultural problems of international importance, and to promote human rights for all without distinction as to race, sex, language, or religion.✓*

Does this mean that there can never be another war? It simply means that those countries which have come together are going to make every effort to prevent or remove threats to peace, and they have established a detailed procedure by which their fundamental aims can best be achieved.

This is not the first attempt at making war illegal. In 1928 the Kellogg-Briand Pact declared war, as an instrument of national policy, illegal, and yet that did not stop World War II. No independent country is willing to renounce its right to make

in self-defence, and therefore the important thing is to provide for collective measures to make aggression impossible, or to thwart it as soon as it starts. The important innovation in the present United Nations structure is the collective attempt to create a political, economic and military machine powerful enough to make it unnecessary for any country to be in a position in which it has to wage war in self-defence. Furthermore, the United Nations provides for various stages of conciliation, arbitration, and other means of peaceful settlement so as not to let any aggressor benefit by the pretext of self-defence.

One could argue that, by and large, the old League of Nations was based on a similar concept. However, it must be kept in mind that the United Nations Organization is potentially and actually much stronger than the League of Nations, that its fifty-one nations rule over nine-tenths of the inhabitable earth, and that the United Nations is backed by their armies, their wealth, and their scientific resources. It is almost self-evident that no would-be aggressor, however powerful, would ever dare to defy such a gigantic combination. One can therefore conclude that as long as the United Nations remain united, as long as their decision to act against an aggressor remains the basic aim of their foreign policy, aggressive wars will be impossible.

Origins. All this sounds so obvious that one may wonder why the United Nations was not created long ago. Actually, it took World War II to convince the world of its necessity. From this war only the United States, Great Britain, and Soviet Russia emerged as major military and political forces; even their closest Allies came out of it terribly weakened. But before they were known as the "Big Three," diplomatic relations among them were strained. They held different views on economic, social, and ideological problems. True, World War II found them fighting together against the common enemy; but there was real danger that once the enemy was defeated the old hostilities and suspicions would again divide the Allies and prepare the ground for new wars.

Now, no matter how often they disagreed, they agreed on one idea: a new war would dwarf even the horrors of World War II. It would be a catastrophe that must be prevented by all possible means. Fortunately, two developments during World War II put the governments on their mettle. The first was psychological; the second was technological.

First, the Allied peoples were tired of war and wanted peace. They were tired not of this particular war alone but of War. They felt that no matter how desperate an international situation seemed to be, there must be a way out. Gradually this feeling became stronger. People began to realize that only a permanent world organization could maintain permanent peace.

Breaking through ideological and party lines, reaching across national borders, the trend toward world co-operation became so powerful that it forced the Allied governments to give it recognition: the governments made world organization one of their principal war aims.

Secondly—and this has become a truism by now—new inventions changed the concept of distance. Industry turned out weapons which made an individual national defence almost impossible; it turned out planes which could reach the farthest points on the globe in a matter of days or hours. Mass flights across oceans demonstrated the futility of clinging to old-fashioned ideas of geographical barriers. And, it was felt, all these inventions were only a beginning. More terrible weapons would come and play havoc with isolated, unco-ordinated defence plans. Here again, the answer to the threat lay in international co-operation.

Thus, the peoples and the scientists helped to prepare the ground for the United Nations. It was Franklin D. Roosevelt who began to formulate its philosophy. The organization depended upon a complete agreement among the Big Three (and, ever since the San Francisco Conference, among the Big Five). It was they who had to take the initiative. Roosevelt convinced Russia, Britain, and the other Allies that it was necessary to lay the foundations of the United Nations while the war was still going on. He argued that this was necessary not only to win the peace but also to win the war. His argument was strengthened by the efficient war work done by various inter-Allied bodies—the Combined Military Staff, the Combined Food Board, and others.

While the war was still going on, every international conference of the Allies began to stress an intention to remain united in peace as in war. The Allies made it clear that the new international organization would be based on the principle of sovereign equality of its members. This was the first limitation in the scope of the United Nations to come.

On October 30, 1943, the governments of the United States, the United Kingdom, the Soviet Union, and China, through the intermediary of their foreign ministers, jointly declared "that they recognized the necessity of establishing at the earliest practicable date a general international organization, based on the principle of sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security."

On December 1 of the same year, Roosevelt, Churchill, and Stalin, at the conclusion of their conference in Teheran, confirmed the intention of the major Allies to co-operate in war and peace. The three chiefs of state had gone one step further than

their foreign ministers in seeking "the co-operation and active participation of all nations, large and small, whose peoples in heart and mind are dedicated, as are our own peoples, to the elimination of tyranny and slavery, oppression and intolerance."

In this part of the declaration one can already find the first elements of what was later to become the Human Rights concept of the United Nations; but at the same time the idea that different ideologies must exist peacefully side by side was also expressed in the same document in the following terms: "We look with confidence to the day when all peoples of the world may live, untouched by tyranny, and according to their varying desires and their own consciences." This was the second limitation in the scope of the United Nations to come, for it announced the principle of non-intervention in internal affairs.

The almost complete concept of the United States, Russia, Great Britain, and China on the character of the future organization resulted from the Dumbarton Oaks conversations. Breaking with the tradition of keeping proposals for the establishment of an international organization confidential until all the governments have agreed upon them, the major Powers threw open the Dumbarton Oaks proposals to world public opinion for discussion and appraisal.

Finally, on February 11, 1945, Churchill, Roosevelt, and Stalin, at the conclusion of the Crimea Conference, announced that a conference of the United Nations had been called at San Francisco, California, for April 25, 1945, in order to prepare the Charter of the new international organization. Invitations to the San Francisco Conference were sent out by the governments of the United States, Russia, Britain, and China—the Provisional Government of France having refused to join the sponsoring powers.

At the San Francisco Conference almost every participating government, even the four sponsoring powers themselves, submitted amendments of many kinds to the Dumbarton Oaks proposals. After innumerable discussions, which often provoked the fear that the Conference might break up, the Charter was unanimously adopted and signed by the delegations of governments represented. After its adoption the Charter was submitted to the various countries for ratification.

While the Charter was being examined by the legislative assemblies, the Preparatory Commission established by the San Francisco Conference met in London in the autumn of 1945 in order to make arrangements for the first sessions of the United Nations and to prepare proposals of rules of procedure, to be submitted to the General Assembly and the various Councils of the United Nations. On October 24, 1945, James F. Byrnes, Secretary of State of the United States of America, having received the

required instruments of ratification from the United States, Russia, England, France, and China, and from the majority of the other signatories to the San Francisco Charter, solemnly informed the people of the world that the United Nations Charter had come into force.

Seventy-eight days later, the first General Assembly of the United Nations met in London with the specific task of establishing the organization and of starting the operations of the greatest inter-governmental machinery in history.

When the Assembly emerged from its session, the organization was a going concern, with all its organs functioning.

## The Scope and Limitations of the United Nations

The organization known as the "United Nations" at present comprises the following fifty-one member states : <sup>1</sup>

Argentina	Dominican	Lebanon	Syria
Australia	Republic	Liberia	Turkey
Belgium	Ecuador	Luxembourg	Ukraine
Bolivia	Egypt	Mexico	Union of South
Brazil	El Salvador	Netherlands	Africa
Byelorussia	Ethiopia	New Zealand	U.S.S.R.
Canada	France	Nicaragua	United
Chile	Greece	Norway	Kingdom
China	Guatemala	Panama	United States
Colombia	Haiti	Paraguay	Uruguay
Costa Rica	Honduras	Peru	Venezuela
Cuba	India	Philippines	Yugoslavia
Czechoslovakia	Iran	Poland	
Denmark	Iraq	Saudi Arabia	

These states have a total of over sixteen hundred million inhabitants, that is, about eighty per cent. of all the inhabitants of the earth. When the League of Nations was established twenty-five years ago, it had forty-four member states, with a total number of less than thirteen hundred million inhabitants.

There are twenty-three countries at present who are not members of the United Nations. Among them are the former enemy states—Germany, Japan, and Italy—their satellites, and neutrals of World War II.

Many different political régimes are represented among the member states—the parliamentary republic, the constitutional monarchy, the Soviet system, and military or personal dictatorship. Besides, there are intermediate types—régimes whose definite political forms are not yet established.

It would seem almost impossible to find ideas or purposes shared by every one of those régimes. As a matter of fact, the members of the United Nations have disagreed on many important issues and they will undoubtedly keep on disagreeing on

<sup>1</sup> Other applications are pending.

## ANALYSIS OF THE FUNCTIONS OF THE UNITED NATIONS THROUGH ITS SIX PRINCIPAL ORGANS

*The United Nations is an organization of sovereign states which have agreed to join their efforts in order to maintain international peace and security, to co-operate on the solution of economic, social, and cultural problems of international importance, to promote human rights for all without distinction as to race, sex, language, or religion.*

### SECURITY COUNCIL

11 members: 5 permanent (U.S.A., U.S.S.R., Great Britain, France, and China); 6 non-permanent members elected by the Assembly. The S.C. functions continuously and investigates every international dispute; can propose peaceful settlement; take non-military measures or adopt military sanctions. It is the only organ that can take direct action without referring back to all member states provided that a majority of 7, including the affirmative vote of the 5 permanent members, is obtained.

Under S.C.: Military Staff Committee, national contingents of armed forces; the

### GENERAL ASSEMBLY

Every member nation is represented on absolute equality. The G.A., in accordance with the Charter, discusses all matters pertaining to peace and security, welfare of mankind, promotion of human rights; receives reports from other organs; approves budget; elects non-permanent members of Security Council, all members of Economic and Social, and Trusteeship Councils; appoints Atomic Commission; in co-operation with Security Council, elects the 15 judges of International Court of Justice; admits, suspends and expels members; on recommendation of Security Council, appoints Secretary-General; makes recommendations to member states for all international agreements on all matters concerning world co-operation. Meets annually, and in special session when required.

### INTERNATIONAL COURT OF JUSTICE

15 judges from different nations; elected by Assembly and Security Council. Once elected, the judges are completely independent. The Court settles all legal disputes between nations submitted to it, and gives advisory opinions to UN on legal questions. Permanent headquarters, The Hague, Holland.

### ECONOMIC AND SOCIAL COUNCIL

18 members elected by Assembly. Studies and prepares recommendations on economic, social, educational, health, human rights and other matters related to the welfare of mankind. Establishes special commissions, specialized in any of the subjects under its competence, and co-ordinates the activities of various inter-governmental agencies; also co-operates with private organizations.

### TRUSTEESHIP COUNCIL

All countries administering dependent areas, the Big Five, and those elected by the General Assembly. But, 50 per cent. of the total members of the Council must be administrators of dependent areas.

### SECRETARIAT

The Secretariat is the permanent international civil service, and is the major administrative organ of the UN. It functions under the direction of the Secretary-General, who is the chief administering officer of the United Nations; and also has the power to draw the attention of the Security Council to any situation that endangers international peace and security.

- DARK LINE—indicates dependence upon and responsibility to General Assembly
- LIGHT LINE—indicates independent judgment after election by General Assembly
- DOTTED LINE—indicates autonomy of action
- DOUBLE LINE—indicates service by Secretariat to all departments.

*N.B. In the interest of simplification, the author has departed from the usual presentation of charts of the United Nations and the various foreign offices and has indicated the six major organs and the functions of their various units, without taking up the sub-divisions at this point.*

many more. Yet they did agree on one common purpose—the maintenance of peace.

As a result of World War II, there appeared also the necessity to promote international co-operation in the economic and humanitarian fields since they are directly concerned with the maintenance of peace.

Thus emerged the primary aim of the United Nations, which is expressed in the Charter and which runs as the guiding principle throughout all its activities—namely, the maintenance of international peace and security.

The Charter declares that it is the purpose of the organization “to take effective collective measures for the prevention and removal of threats to peace.” It also declares that it is the purpose of the organization to suppress “acts of aggression or other breaches of peace.”

But the organization does not limit itself to a policy of coercion. It also states as its purpose “to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.” And it is also the purpose of the organization “to develop friendly relations among nations based on respect for the principle of equal rights and the self-determination of peoples, and to take other appropriate measures to strengthen universal peace.”

The organization has further decided upon promoting and encouraging respect for human rights.

It is the final goal of the organization “to be a centre for harmonizing the actions of nations in the attainment of these common ends.”

These purposes can be fulfilled only if the individual members of the United Nations agree to their practical application; for in the same chapter there is a provision that the United Nations is not authorized to intervene in matters which are essentially within the domestic jurisdiction of any state.

It is here that we come upon what has been called by many critics of the United Nations the basic contradiction of the Charter. These critics argue that, on the one hand, the United Nations proclaims some of the highest and most far-reaching purposes ever devised by human society; that the United Nations does not limit itself to the suppression of an aggression but that it provides for peaceful adjustment; that it establishes the principle of human rights for all—and yet, when it comes to the practical application, it is still the sovereign state which remains the supreme master.

But the defenders of the Charter say that the United Nations is not a super-government or a federation, but a union of sovereign states. What the organization can do is proclaim its general pur-



poses, provide the framework for effective co-operation, and guide the members and make recommendations to them—but in the final analysis it will be the task of the peoples themselves to make sure that their governments will conform to the principles of the United Nations.

If member states should refuse to conform to these principles there is no way of coercing them in so far as the humanitarian, economic, social, and educational purposes are concerned. The only time a country—member or non-member of the United Nations—can be forced to comply with the decisions of the organization is when that country constitutes a danger to international peace. In such a case, the Security Council, if it reaches the decision in accordance with its constitutional provisions, has the right to act.

The only other sanction which the United Nations has at its disposal is the expulsion of a member “which has persistently violated the principles contained in the present Charter.” In such a case, upon the recommendations of the Security Council, the General Assembly may decide on the expulsion of that member.

**Organizational Set-up.** The structural set-up of the organization is based on six principal organs. An organ is a specific body established according to the United Nations Charter and fulfilling the functions prescribed by it.

The principal organs of the United Nations are: the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat.

The organization may establish such subsidiary organs as may be found necessary. Each of the organs must function according to the present Charter, and has no right to modify or to alter in the slightest any of the specific provisions under which it operates. The Charter is to an organ of the United Nations what the constitution is to an executive branch of the American government.

No organ within the United Nations has the constitutional right to take exceptional measures such as may be taken by national governments in case of war or emergencies. There are no powers except those which are provided for in the Charter.

The main source of authority for the organization is the member states themselves. On their behalf the supreme authority within the United Nations is exercised by the General Assembly except for action on matters pertaining to the maintenance of international peace and security, which are reserved for the Security Council. The Assembly guides, orients, and co-ordinates the activities of all the other organs. When all the international governmental agencies, such as the Food and Agriculture Organization and others, are brought into the United Nations,

as provided by the Charter, the Assembly will emerge as an overall co-ordinator of international activities. In most respects it is not possible to compare the Assembly to a parliament, for it has no direct legislative powers. But it is possible in one connection: when the Assembly establishes the general framework of the other organs and inter-governmental agencies which act as the executive branches of a national government.

**Amendments.** The only way in which an article of the Charter can be modified is by amendment. In order to bring about amendments to the Charter, there must be a general conference of the members of the United Nations for the purpose of reviewing it. Such a conference can be held if two-thirds of the members of the General Assembly and seven members of the Security Council—permanent or non-permanent—have agreed to it. In such a general conference, each member of the United Nations shall have one vote.

Once the general conference, by a two-thirds vote, has agreed upon recommending a given alteration to the Charter, the alteration will take effect only when it is ratified by two-thirds of the members of the United Nations including all the permanent members of the Security Council. However, if before the tenth session of the General Assembly no general conference has been held for the purpose of amending the Charter, then the following session of the General Assembly will automatically have on its agenda the proposal to call such a conference. If a majority vote is obtained for it in the Assembly, and there is an affirmative vote by any seven members of the Security Council, a conference will be held to make such an amendment.

## CHAPTER TWO

### The United Nations Headquarters

THE SEAT of the United Nations is the United States; its temporary headquarters is New York.

These decisions were not reached immediately. In London, the Assembly had to deal with a large number of suggestions from many countries who competed for what was called the capital of the world. The advantages of being close to the centre of world events were too obvious to be given up without a fight.

When it had been finally decided that the site of the UN was to be in the United States, a great number of cities, from San Francisco to New York and from Chicago to Philadelphia, fought for the privilege of becoming the world capital. Upon the report of a special United Nations committee for the selection of a permanent site, the New York location was chosen by the first General Assembly. The consent of the United States was given in the most solemn manner by a joint resolution of the Congress of the United States and approved by the President. However, the General Assembly still retains the right, if it deems necessary, to transfer the headquarters of the UN to any other part of the world.

In many ways the seat of the United Nations will be a state within a state. A formal treaty between an authorized representative of the American government and the Secretary-General of the UN will define the mutual rights and obligations. The essential provisions of the treaty are that a special area be chosen to house all the services of the UN. The United States has no jurisdiction over the entry or residence of persons in that zone. No representative of administrative, judicial, military, or police authority of the United States may enter that zone without permission of the Secretary-General. In short, as long as the seat of the United Nations remains within the United States, the area occupied by the United Nations is considered as extra territorial with full diplomatic privileges and immunities.

So far the United Nations has only temporary headquarters in New York—at Hunter College, the World's Fair Grounds, the Sperry Plant, and 610 Fifth Avenue in New York City.

Since these headquarters have been established, innumerable visitors have come to the UN. Let us imagine we take along one of them and introduce him to some of the activities and personnel of the Secretariat.

Interpreters' Corps. Having office space would enable almost

any other organization to start working; but there was a peculiar difficulty in the case of the United Nations. The members of the UN delegations and the staff members speak many different languages. They sit together in the Assembly and in the Security Council. Obviously most of their time would be wasted if they could not make themselves easily understood.

The ideal solution would be to adopt a new, rich, and easily acquired language capable of adequately expressing the literary heritage of human civilization. As no synthetic language fulfilling such requirements was available, the only practicable solution would have been to select one of the existing great languages. But the adoption of any of these would have been a discrimination against representatives who did not happen to be familiar with it. To satisfy the greatest number of people the United Nations has designated five official languages, selecting the ones with the widest distribution. These are English, French, Russian, Chinese, and Spanish.

But if every word had to be translated into all of these five, proceedings would be prolonged beyond endurance. Finally the United Nations agreed on only two working languages: English and French. Everything that is said at any of the UN meetings must be translated into both of them. This is how the arrangement works out: if a speech is made in English, it is translated into French. If it is made in French, it is translated into English. If it is made in any other language, it is translated into English and French.

The Interpreters' Corps employs the best linguistic experts in the world. But for the interpreters it is not enough to have perfect command of their languages; they must also know the meaning and the significance of the speeches so that they can place the right emphasis on the right words. Any shift in emphasis might lead to serious international complications, and much depends not only on the interpreter's ability to make instantaneous translations, but on his knowledge of political, economic, and historic subjects.

**Continuous Activity.** The UN is permanently in operation, and there is never any vacation for the organization as a whole. When any of the people working there go on vacation they are replaced by others. Even at night there are always people standing by in case a complication arises which must immediately be communicated to the Security Council. The busiest time is when the General Assembly meets, nominally on the first Tuesday after September 2 of each year.

But while the services of the organization are concentrated at headquarters, many international conferences take place in other cities; in such cases members of the Secretariat fly from headquarters to the place of meeting. The only permanent unit of the

organization which is not at headquarters is the International Court of Justice, which is located at the Peace Palace in The Hague, Holland.

Who Runs the UN and How Is It Run? All this activity simply means that somehow the theoretical concept of a united world is being translated into practical work. The United Nations ceases to be an abstract idea and becomes a living reality. Behind the United Nations stand fifty-one peoples. These peoples exercise their powers through their governments. The delegates of the governments of all member countries make up the leadership. They appoint the Secretary-General who, in turn, nominates the whole permanent staff and executes the delegates' decisions. The key figures, for the duration of the organization, are the President of the General Assembly, the President of the Security Council and the Secretary-General. In case of an emergency one of the three, either separately or jointly with the other two, may set the machine in motion.

Even a casual study of part of the impressive machinery and some of the people who run it—at the time of writing—will make the work of the whole organization much clearer.

The Secretary-General. Trygve Lie, the Secretary-General, was formerly the Norwegian Foreign Minister. He was elected by the first Assembly of the UN for a term of five years at the proposal of the Security Council, in accordance with the rules of the Charter.

Since the position has such tremendous political weight, it was decided that a man should be chosen who would not be partial to any one country and who would defend with the utmost objectivity the interest of all the member states of the UN. It was natural that the choice should be a man from a small country equally friendly to all Big Powers, respecting the rights of Middle and Small Powers, and possessing sound democratic traditions. Trygve Lie, from Norway, well known to many Allied governments for his activities in London during the war, had these qualifications.

Can he save the peace of the world by himself? He can do only as well as the fifty-one nations—particularly the Big Powers. If the peoples of the world insist that their governments respect the principles of the Charter, he has a good chance to do the job of co-ordination.

Lie is a warm-hearted and human person completely devoted to the UN. In common with the other members of the Secretariat, he has taken the oath of allegiance to the UN. The Charter forbids any government to influence or give orders to its nationals in the employ of the UN. For as long as they are in their position, their national citizenship is in a way suspended and they become truly international citizens. Even in matters concerning Norway, Lie must give his full allegiance first to the UN.

Eight units of the Secretariat function under Lie's direction and supervision, and at the head of each is an Assistant Secretary-General. These units are established to service all other organs; ensure co-operation between nations in the interest of maintaining international peace and security; increase education; promote human progress; guard the well-being of humanity; watch over matters of dependent peoples; and take care of legal and other problems.

**Assistant Secretary-General for Social Affairs.** The Assistant Secretary-General for Social Affairs is a former French high official, Professor Henri Laugier. He has typical Latin effusiveness and attacks his job not only with verve and zest but also with the scientific precision for which his profession has trained him.

His department deals with the six major questions of health, narcotic drugs, different aspects of social welfare, cultural and educational matters, and human rights. Each division is headed by a Director who is assisted by the necessary staff to carry out research, gather information, and prepare other work which is required by the Economic and Social Council, the Assembly—the supreme organ—and by the Secretary-General, or by the Security Council on any matter relating to security. The division is composed of people of various nationalities. It must have very competent workers, people loyal to the organization, and people representing as many geographical areas of the world as possible.

Here are located the numerous charts and documents of the central research service, the product of Professor Laugier's scientifically-minded organization, which co-ordinates the various research services. Here, too, we find a large file which is marked UNESCO (the United Nations Educational, Scientific, and Cultural Organization) with which the UN is about to sign an agreement for effective co-operation and co-ordination of mutual efforts. According to the Charter, the Secretariat as well as the entire UN serves as "a centre for harmonizing the actions of nations in the attainment of these common ends."

It is the hope of Laugier that one day the Economic and Social Council and the Assembly will agree to create vast international laboratories to fight cancer and tuberculosis; and to make the most effective use of the genius and knowledge of the scientists and educators of all nations in order to achieve in the shortest time the greatest possible results.

**Assistant Secretary-General of the Economic Department.** Professor David Owen, who has worked with the UN since the San Francisco Conference, is in charge of the Economic Department. In his native England, Professor Owen has had a distinguished career which included special work for the Foreign Office in relation to the League of Nations and the International

Labour Office. He was a member of the British delegation to San Francisco and Deputy Executive Secretary of the Preparatory Commission. His are the problems of economics, financial matters, transportation, communication, statistics, and related fields.

Professor Owen contends that, contrary to the general belief, the field of economics is not dry but exciting; for economics is the science investigating the laws of abundance or want.

It is the function of this department to make possible economic co-operation between nations and to intensify this co-operation constantly; to help each nation to know what other nations have and can produce; to help eliminate famine and unemployment; to find means of rapid, easy, and inexpensive travel.

For example, in our interdependent world it is important for Americans to know what the French and Chinese produce; how much they consume within their countries; how much they export. It is also important to create understanding between nations. For example, to integrate the economic concepts of Russia and America would be a tremendous step in the direction of permanent peace.

Let us take wheat, for instance. Grain is the same whether it is being sold by an individual, a socialist co-operative body, or a state monopoly. What is needed is to produce enough of it so that all human beings in the world will have plenty of food. This would tend to create stable currencies and to break down tariff barriers, so that all peoples might get what they needed, and sell what they produced.

Assistant Secretary-General of the Department of Security Council Affairs. Arkadi Sobolev, a Russian, is in charge of this department. It is the function of his department to work permanently with the Security Council on any problem which may affect international peace. There is no territorial, military, or juridical dispute in the world that would not come to Sobolev's department for documentation. When any member of the Security Council or of the Military Staff Committee needs any special data, he turns to this department for help.

The Department of Security Council Affairs also works with the Assembly whenever it deals with matters relating to the maintenance of peace and security, as well as with every other institution of the UN or specialized agency.

In this department, too, there are many different nationalities represented, all working toward a common goal in complete harmony. Sobolev acts as Liaison Officer between the Security Council, the individual members of the Council, and between the civil and military groups.

Assistant Secretary-General of the Trusteeship Council. Victor Hoo—a permanent representative of China at the League of Nations for many years—is dealing with dependent areas of

the world. In his department are collected a great number of pictures, reports and maps of the various areas which one day will come under the Trusteeship Council. As the best polyglot among the high officials he is peculiarly qualified for this position. In addition to his native Chinese, he speaks fluently French, Russian, German, and Spanish, and it is said that he is learning the various native dialects of all the territories on which he will have to advise the Trusteeship Council. The entire UN depends on this department for its research and information on territories which will come within its jurisdiction.

Assistant Secretary-General of the Conference and General Services Department. Mr. Adrien Pelt, who heads this department, is an expert on international affairs, for he was the Director of the Information Department at the League of Nations and chief of the Information Office in his own country, Holland. Pelt might be called a general manager who makes all the arrangements for the UN when the Assembly or any council meets or an international conference takes place. He staffs these conferences and provides necessary facilities, handles communications to and from the various governments and is in charge of the buildings and supplies, transportation, mail, and messenger service. Any time a delegate needs a document, Pelt's department will provide it through its Research and Reference Library. International conferences, whether they are within or outside the UN, may appeal to his department for help on organizational matters. In his offices are the impressive document division, the mimeograph units, the stenographic pool units, the language divisions—all of which are behind the scenes of every meeting; without them the meetings could not function.

Assistant Secretary-General for Legal Affairs. The Legal Department is headed by Mr. Ivan Kerno from Czechoslovakia. He is the general counsel of the organization. The range of legal knowledge which the department must have is the widest possible ever concentrated in one office; for it must have available the documents pertaining to legislation and judicial procedure of every country of the world.

Assistant Secretary-General of Administrative and Financial Services. In this department, which is headed by Mr. John B. Hutson of the United States, the organization and supervision of the largest international civil service in the world are centralized. Everyone who is employed by the organization has his file here. Every expense must go through this office. One group of people in the department are classification officers who do nothing but classify the various candidates for positions and make recommendations as to whether they should be employed and where they would best fit.



Assistant Secretary-General of Public Information. Benjamin Cohen, former Chilean Ambassador to the United States, heads this department. He speaks Spanish, French, and English with equal fluency and believes that everyone in the United Nations should know at least the two working languages. His department is at the same time a great international news agency, a newsreel company, a photographic service, a publishing house, a broadcasting centre, and a reference library. Every word that is said in any meeting of the UN is recorded by this department.

Five to ten press releases are turned out every day. Teletype service makes it possible for the representatives of this department in Prague or in Shanghai, in Sydney or in Paris, to inform the local press almost immediately of everything that is going on in a meeting of the UN. The only thing this department does not do is to give opinions on what has been said or done in any meeting of the UN or by any member government. The Department of Public Information has to be the most objective news service in the world.

## CHAPTER THREE

### The General Assembly

THE ASSEMBLY has all the characteristics of an organization which is intended to function as the intermediary between a system of limited co-operation among national sovereign states and some kind of united world which is in the making. It is clearly the intention of the Charter to make the Assembly the great moral and political platform of the world, but not to let it take direct action.

When the Assembly enters into session its procedure is based on the rules of parliamentarianism. These rules have been developed through the seven hundred years of the fight against tyranny, a fight which began with the Magna Charta and progressed through the American, French, and Russian revolutions and all the other heroic struggles of millions of human beings.

Before an Assembly Convenes. Months before a General Assembly convenes, the chancelleries of the United Nations governments are hard at work. In addition to settling UN matters proper, each session of the Assembly offers a unique opportunity for important meetings and discussions among governments. That is why governments try to send their best representatives as their national delegation to the UN. Knowing how carefully each delegation is scrutinized, they usually try to cross party lines and include among their representatives a cross-section of their national leadership.

The individual delegates to the Assembly are chosen in most countries by Cabinet decision. In each country, whether large or small, the Cabinet, in agreement with the Chief of State, appoints five full-fledged delegates. In the U.S. the appointments are made by the President and ratified by the Senate.

Delegates to the UN are ambassadors to the world as a whole, and their letters of accreditation are the same as those issued to any other ambassador. Their instructions are most carefully drafted, since the delegates will have the responsibility of making vital decisions, both on strategy and on long-term policies, once the Assembly is in session.

The different departments of the UN Secretariat compile complete information on the subjects which are to come before the Assembly. For months beforehand the delegates and their experts study the information and the various items on the agenda. Then they proceed to study the best ways and means of presenting the specific problems of their respective countries. When a

country has requested the inclusion of an item on the agenda, its delegation will be responsible for preparing the necessary documentation.

The former rules of diplomatic procedure and protocol have given way to a more modern approach. The new methods are nowhere more apparent than in the way diplomatic negotiations of the highest importance are carried on in hotel lounges, restaurants, and the suites of the various delegates. The negotiation of power with power is being replaced in the UN framework by collective discussion and decision.

Often non-diplomatic people are irritated at these preliminary confidential negotiations. They would like to see things more in the open at the Assembly. But a certain amount of preparatory work is indispensable; otherwise a session would never come to an end. Take, for example, the election of the Chairman. It is quite obvious that preparatory discussions are necessary in order to come to an agreement on the man to be chosen. Each government will be careful in this selection, because the Chairman is, for the duration of the Assembly, almost like a President of the World! His legal authority is limited, but his moral authority is not. A tone of voice, a friendly or unfriendly gesture toward a certain delegation, or a ruling on procedure, all these can be of decisive importance.

As soon as the Assembly enters into session, a fight on procedure begins. This is naturally startling to the lay observer and seems unnecessary and trivial. A conflict on procedure, however, is much more than a simple disagreement as to whether or not a given rule shall be applied in a certain case. A ruling on procedure often determines an important political decision on a specific proposal. The easiest way to dismiss a suggestion one does not wish to take up is to declare it opposed to procedure. That is why the fight over procedure has such a significant place in every UN meeting.

**Equality in the Assembly.** The General Assembly is composed of all the members of the United Nations. It should meet in regular session each year on the first Tuesday after September 2. However, at any time a majority of the members of the UN—that is, under the present circumstances, at least twenty-six countries—or the Security Council deem it necessary to hold a special session the Secretary-General will call it within fifteen days. Thus, whenever a people feels that the world is drifting toward a dangerous situation, it can ask its government to take the initiative for a special session. In such a case, the Secretary-General will immediately consult the other member states, and if a majority agrees that the situation warrants it, a special session will be called.

From a constitutional point of view, all the differences between

great and small, rich and poor nations disappear in the Assembly, for each country has only one vote. Each country also has the right to put on the agenda of the General Assembly any item it may consider important, provided it is within the scope of the Charter. In fact, the Charter is so broad that practically everything of international interest can be brought before the Assembly. The only items to be excluded are matters of strictly domestic jurisdiction; for example, shall England have a king, the U.S. a president, or Russia a Soviet system? This limitation, however, does not mean that a fascist or any other régime considered dangerous to the world would be tolerated simply under the pretext that its political set-up was an internal matter. Should such a régime be established in any part of the world neighbouring or other countries who felt threatened would have the right to bring the matter before the General Assembly or the Security Council. The fact that both the Assembly and the Security Council have discussed at great length the Franco régime in Spain—a country which is not a member of the UN—and have examined the relationship between its foreign policy and its domestic set-up, is a practical illustration of the UN policy. However, when the Assembly takes up such a situation, its main concern will be not the internal régime of a country but whether or not that régime threatens the maintenance of international peace and security.

The founders of the United Nations were very careful to establish first of all the principle that the Assembly may discuss and consider any questions falling within the scope of the United Nations Charter. The Assembly was then given specific powers to deal with two categories of problems considered important to the international community as a whole. The first comprises all problems that have to do with peace; the second pertains to the general welfare and friendly relations among all nations.

**Co-operation for Peace.** Above all, the General Assembly is authorized to consider the principles relating to the co-operation of the United Nations in the maintenance of international peace and security. This includes another vitally important problem: the Assembly is expressly authorized by the Charter to deal with the principles governing the regulation of armaments and disarmament.

Any member of the UN or the Security Council as a whole can bring these matters before the Assembly. The only time the General Assembly will refrain from making recommendations on a given dispute or situation is when the Security Council is already dealing with it.

The Secretary-General will inform the Assembly about matters with which the Security Council is dealing. The Assembly will make no recommendations on such problems unless it is specif-

ically requested by the Security Council to do so—or until the Council has ceased working on these matters.

The United Nations is conscious of the fact that the maintenance of peace is a universal problem. It permits even non-members, in the same way as members, to bring any matter related to this question before the Assembly. However, a non-member must accept in advance the obligations of peaceful settlement provided for in the Charter. If it did not accept, the non-member state which, in matters of peace, has the same privileges and protection as a member state, would not only be in a position of equality but would have an unfair advantage over member states. If a recommendation were unfavourable to it, it could simply contend that it was not bound by the provisions of the Charter.

What happens when any of these matters are brought before the General Assembly? Can it take any specific action?

No. The Assembly is mainly a political body of the UN governments. Its function is to examine carefully every dangerous situation, to find out what is right and what is wrong, and to make recommendations for the correction of the wrong. The Assembly has the right to call the attention of the Security Council to anything that endangers international peace and security, but this is no special privilege, for any state has the same right. If the Assembly were authorized to take action, to make decisions binding upon the member states, this would mean that it would be the congress or parliament of the world. Had the powers of the Assembly been extended that far, one can be sure that not only the U.S. and Russia, but also France and England, and what are considered the "Middle Powers" (e.g. Brazil and Canada) would have asked for a larger representation. For it is self-evident that they could not have agreed that on vital decisions their powers should be no greater than those, for example, of small states like Nicaragua and Saudi Arabia.

The whole problem of a representation based not only on numbers of inhabitants but also on military and economic factors, health, housing, living, and educational standards would have had to be solved before the decisions of the Assembly could become binding.

There have been many private suggestions to establish such a weighted representation, which would mean the replacement of the principle of one vote for one country by the more just system in which each country would have a number of votes corresponding to its size and development and to its importance in the international community. But of course to determine the number of votes by factors other than population would give rise to the greatest controversies, for each country would consider its living and cultural standards very high. Furthermore

the whole UN structure is based on the concept of sovereign equality between nations.

Co-operation for the Welfare of Mankind. Under the powers pertaining to the promotion of general welfare and of friendly relations among all nations, the Assembly has the right, first of all, to initiate research and studies for the purpose of promoting international co-operation. The Assembly can create, either directly or through the Economic and Social Council or the Secretariat, all kinds of commissions, research and advisory groups, and committees of experts, and entrust them with the task of studying, for example, the living standards or educational problems or human rights in any part of the world. The member nations of the UN will help these groups in the accomplishment of their tasks. Through these studies, the Assembly will soon become the best-informed body in the whole world. No one nation can possibly duplicate the Assembly's staff of experts and their universal sources of information.

The Assembly can deal with any political situation in any part of the world, and has the right to make recommendations. If, as one hopes, the various countries send true world statesmen as their delegates, the Assembly will be able to make an inventory of the conflicting matters that make international co-operation difficult, propose solutions, and thus bring about greater progress than have decades of struggle in the past.

The Assembly can make recommendations on international migrations, on the freedom of the seas and the air, on the exchange of scientific co-operation, information, human rights, social development, better housing, full employment—in short, on anything that affects the possibilities of co-operation. But the powers of the Assembly are not limited to promoting international co-operation. It also has the right to encourage the progressive development of international law and its codification. This activity alone could fill a very dangerous gap which exists today and it would contribute greatly to the maintenance of future peace.

At first glance all these powers of the Assembly might not seem of great importance because they cannot result in direct action; but from a political point of view these powers are considerable. A resolution by the Assembly and a recommendation to the member states will, because of its high authority, most certainly result in favourable action by the member nations. Many delegates to the Assembly, both from big and small countries, have declared privately that as soon as the political situation becomes a little more stable they will ask the Assembly to use its powers to review all problems related to international co-operation and to send out recommendations to the various countries for legislative action.

Obviously the Assembly will initiate many improvements in international relations. This is further illustrated by the important powers granted to the Assembly to recommend peaceful adjustments of any situation which might impair the general welfare or friendly relations among nations. In this respect the Assembly has the right to make recommendations on any problem, regardless of origin. If it should not be a problem related to the maintenance of peace which is under discussion by the Security Council, the Assembly can recommend modification of treaties—even the peace treaties resulting from World War II, territorial revisions, and abrogation or conclusion of international agreements.

It is one of the jobs of the Assembly to protect the UN. There may be situations in which the purposes of the UN are violated. When that happens, the Assembly can recommend an adjustment of the situation.

The Assembly has the power to discuss, to examine, and to consider international situations, and to make recommendations on behalf of the highest political institution of mankind to which each country has pledged its allegiance. This is in itself an immense political factor. The members of the Assembly are the highest political representatives of the world. They discuss and debate by virtue of a specific mandate which has been entrusted to them by fifty-one governments; the recommendations on which they agree after the fullest debate are therefore morally and politically binding upon the member nations. From a strictly legal point of view any member nation can reject a recommendation, but if such were the intention of the members they would not have created the Assembly. Undoubtedly it will be very difficult for any country, both from an external and a domestic point of view, to refuse to ratify a recommendation that has been adopted by the General Assembly. Therefore, it can be logically assumed that the rejection of a recommendation of the Assembly will be the exception, not the rule.

Elections by the Assembly. The central position of the Assembly in the whole structure of the UN is seen even more clearly when it comes to the elections for the various councils, and when the supervision of their activities and financial matters is considered. The most important election in which the members of the Assembly participate is the one for the six non-permanent members of the Security Council. These six members are important as the guardians of world peace; they constitute the real check on the powers of the Big Five, the permanent members of the Security Council. At least two of the six powers elected by the Assembly must agree with the Big Five before any action can be taken. Thus, the Middle and Small Powers of the UN have a guarantee that their voice will be heard by the Big Powers, because representatives of the General Assembly are

present in the Security Council. When the Assembly elects the non-permanent members, it must, in accordance with the Charter, take into consideration the contributions which the various candidates have already made to the maintenance of peace and to the fulfilment of the other fundamental aims of the organization.

Though the Assembly is limited in security matters because it cannot remove any of the Big Five from permanent membership in the Security Council, it has unlimited powers to elect members to the Economic and Social Council. The General Assembly elects all eighteen members of the Economic and Social Council for a term of three years. It is also the Assembly that elects a certain number of members for a period of three years to the Trusteeship Council.

Besides these direct elections, the Assembly appoints two kinds of high international officials, either in co-operation with the Security Council or on its recommendation. The fifteen judges of the International Court of Justice are elected by the General Assembly and the Security Council. The Secretary-General of the Organization, on the other hand, is appointed by the Assembly on the recommendation of the Security Council.

Reports of the UN Organs to the Assembly. Everything done by an organ of the UN is reported at the regular annual sessions of the Assembly. The Security Council must present a full report to the General Assembly indicating all the measures which that body has taken or has decided to take for the maintenance of peace and security. While the Assembly has no power to change a decision of the Security Council, it nevertheless has the right of fullest discussion and criticism, and can make recommendations, for or against, either to the Security Council or to the member states.

The obligation on the part of the Security Council to present its report to the Assembly, and the latter's right to discuss it fully, to criticize and to make recommendations, plus the fact that the six non-permanent members are elected in full sovereignty by the Assembly, make it clear that the Security Council is subject, to a considerable degree, to the influence of the Assembly as a whole.

The Assembly has the final say on the reports submitted to it by the Economic and Social Council and by the Secretary-General on the work of the United Nations. It also receives annual and special reports by the Trusteeship Council, the International Court of Justice, and all other subsidiary organs which it may have established. In the near future, after the UN has signed definite agreements with specialized agencies such as the World Bank, the International Fund, the Food and Agricultural Organization, the United Nations Educational, Scientific and



Cultural Organization and others, it will also receive reports from them and thus considerably enlarge its field of action.

**Financial Powers.** Finally, the Assembly has the sole power to approve the budget of the United Nations and to establish the amount to be paid by each member into the general budget. The General Assembly approves not only the budget of the United Nations, but also all other financial and budgetary arrangements with the specialized agencies. These financial powers will increasingly enhance the role of the Assembly within the organization.

The UN has established a working fund of \$25,000,000 (approx. £6,250,000). All member nations are to make advances toward it, which are deductible from the contributions to the regular budget. The scale of payments takes into account the financial situation of the various countries. The countries which make the lowest contributions are Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Lebanon, Liberia, Luxembourg, Nicaragua, Panama, and Paraguay; together they contribute 0.49% (\$12,250) (approx. £3,063) toward the working capital fund. The highest assessment is for the United States, with 24.614% (\$6,153,500) (approx. £1,538,375). The U.K. is next highest with 14.768% (\$3,692,750) (approx. £923,188), followed by the U.S.S.R., with 6.892% (\$1,723,000) (approx. £430,750), China, with 6.400% (\$1,600,000) (approx. £400,000) and France, with 5.602% (\$1,400,000) (approx. £350,000). But no matter what the size of the contribution, the UN organizational machinery does not cost any country as much for a whole year as does a single day of war.

**Voting Procedure.** The voting procedure in the Assembly is based on the principle that decisions on important questions must be made by a two-thirds majority of the members present and voting. The Charter outlines which questions must automatically be considered as important. They are:

1. Recommendations with respect to international peace and security
2. Election of the non-permanent members of the Security Council
3. Election of members of the Economic and Social Council
4. Election of members of the Trusteeship Council
5. Admission of new members to the UN
6. Suspension of the rights and privileges of the members
7. Questions relating to the operation of the Trusteeship system
8. Budgetary matters.

On all other questions an absolute majority of the members present and voting is sufficient; but the Assembly has the right

to designate by a simple majority vote additional categories of questions which will have to be decided by a two-thirds majority.

Once a proposal has been submitted it is sent for thorough examination to the commission into whose field of competence it falls. After that examination it goes back to the Assembly. The usual procedure calls for two speakers pro and two speakers con in case of controversy.

The most dramatic moment in each Assembly meeting is the time of the vote. The vote is secret on every important issue, or whenever a member of the Assembly requests it. The Secretary-General usually calls the members to the voting box. They have identical voting ballots, and there is no chance for any of the major Powers to know exactly how a certain member has voted. Of course, since there are only fifty-one votes (only the chief delegates vote), it is relatively easy to determine just about how each country has voted, but it is almost impossible to be certain about it.

When it comes to voting in the Assembly, any kind of pressure a larger power may exercise on a smaller power disappears. In the same way the voter in a free election, despite threats or demands of political groups, can approach the ballot box and know that he is absolutely free. It is in the vote that the democratic character of the UN and the equality of all nations before the law appears clearest. For example, any Latin-American country, if it so desires, can vote against a U.S. proposal.

Nothing in the Charter or in the procedure says anything about the division of the Assembly into two blocs, and yet no objective student of the Assembly, or onlooker at the San Francisco and the London meetings, can deny that such a division exists. On almost all controversial issues these blocs confront each other, with six to nine votes on the side of Russia, about thirty on the side of the Western Powers and about fifteen undecided. Of course, this division into blocs is nobody's fault, neither the Assembly's nor the delegates'. It only reflects certain realities of our world. These realities cannot be eliminated by rules; they can only be changed through gradual improvement in the international political situation and through mutual confidence among the member nations.

**Agenda and Rules.** In order to cover its vast agenda each year, the Assembly needs a very precise technical structure. Above all, it needs a detailed set of rules which provide for maximum efficiency and speed. It has these rules and this is, in brief, how the General Assembly functions:

First of all, the Secretary-General draws up the provisional agenda, which must include the following items:

- (a) Report of the Secretary-General on the work of the organization
- (b) Reports from :
  - the Security Council
  - the Economic and Social Council
  - the Trusteeship Council
  - the International Court of Justice
  - the subsidiary organs of the General Assembly
  - specialized agencies (where agreements call for such reports)
- (c) All items whose inclusion has been ordered by the General Assembly at a previous session
- (d) All items proposed by the other organs of the UN
- (e) All items proposed by any member of the UN
- (f) All items pertaining to the budget for the next financial year and the report on the accounts for the last financial year
- (g) All items which the Secretary-General deems it necessary to put before the General Assembly.

Before the Assembly convenes, the provisional agenda must be communicated to all the member states at least sixty days before the opening of the session; this gives them an opportunity for careful study. Up to twenty-five days before the opening of each session, any member has the right to ask for the inclusion of additional items on the agenda. One week before the Assembly opens, the credentials of each representative, duly signed either by the Head of State or the Minister of Foreign Affairs, and the names of the members of the various delegations must have been submitted to the Secretary-General.

At the beginning of each session the Assembly elects a Credentials Committee which deliberates whether or not all the representatives are duly accredited, and immediately reports to the Assembly.

The first meeting is presided over by the President of the previous session. If the former President of the Assembly is no longer chairman of the delegation of his country, then the current chairman of that delegation acts as President until a new one has been elected by the current Assembly. In addition to electing a President, the Assembly also appoints seven Vice-Presidents.

The President directs the discussion, sees that the rules are observed, accords the right to speak, puts questions, and announces decisions. He rules on points of order and, within the framework of the rules of the Assembly, has complete control over the proceedings. In order to ensure the utmost impartiality, the rules provide that the President of the Assembly may not vote as a delegate of his own country.

The Main Committees of the Assembly. The rules provide for the appointment of six main committees. These must deal with the vast agenda before each regular session of the General Assembly. The committees are:

1. Political and Security Committee (whose competence includes the regulation of armaments)
2. Economic and Financial Committee
3. Social, Humanitarian, and Cultural Committee
4. Trusteeship Committee
5. Administrative and Budgetary Committee
6. Legal Committee.

The democratic concept of the Assembly is again illustrated by the fact that each delegation is represented on every one of these committees. Thus, a country that is not a member of the Security, Economic and Social, or Trusteeship Councils will still have a chance to discuss the vital activities of these Councils not only in the General Assembly but also, in a much more detailed form, before the specialized committees.

The committees may be compared with the standing committees of the American Congress and similar committees in other parliaments. Their importance will grow as the UN comes to grips with its various activities. Each committee elects its own chairman, vice-chairman, and recorder. These officers will represent the largest possible number of geographical areas; besides, they are selected for their competence and experience. Undoubtedly these provisions will guarantee a high standard of efficiency; each country will try to send its best representatives so that it can compete with the best representatives of all other countries.

The committees have the function of examining anything referred to them by the General Assembly, and it is they who prepare draft recommendations and resolutions which are then submitted to a full meeting.

Outside these main committees, there are two procedural committees: one is the Credentials Committee previously mentioned; the other is the General Committee.

The General Committee is composed of the President, the seven Vice-Presidents, and the Chairmen of the six main committees. It is responsible for the consideration of the provisional agenda; these include the emergency items submitted by the different states which were not received during the fifteen-day period provided for this purpose. The General Committee also assists the President in the general conduct of the work of the Assembly. Both at the preparatory meeting and at the General Assembly, some countries, and particularly Cuba, expressed the fear that the General Committee might usurp some functions of the Assembly and make decisions on its own. It was only after the

delegates of the U.S., Great Britain, and Russia gave solemn assurances that everything the General Committee does must be referred back to the General Assembly for final decision, and that the General Committee could make no decision of political importance, that this rule was approved.

Of course, the Assembly is free to appoint other committees which may be required to take care of the various tasks assigned to it in the Charter.

*Summary.* The Assembly simultaneously fulfils four functions, each relating to different fields. In matters of peace and security, the Assembly functions as a town meeting of the world. Through its right to make recommendations to all the United Nations, it serves as a supreme source of international initiative. Through its right to elect most of the major organs of the UN, it acts as the highest authority within the organization. Finally, through its powers over the budget, it holds the purse strings of the United Nations.

## CHAPTER FOUR

### The Security Council

**A**LTHOUGH THE General Assembly represents the highest political organization of humanity, the Security Council is the world's most effective body. Its success or failure may determine peace or war; the reign of international law or force.

The Security Council is at the same time a peacemaker and a policeman. As a peacemaker it tries by every possible method to prevent a dispute from developing into a violent conflict; as a policeman it uses every available weapon to curb the law-breaker. Ideally, in the spirit of the Charter, the Security Council should never have to use its unlimited power, but always be ready to move whenever the peace and security of a nation are threatened.

The structure and powers of the Security Council constitute a political system which is a true reflection of a world full of suspicions, but whose major concern is to avoid further wars. The men who created it realized that each of the five major Powers—the United States, Russia, Great Britain, France, and China—has become so dominant in the world scene that the present United Nations could not survive a major conflict among them. Therefore sanctions and enforcement measures in the Security Council are based on the premise that they cannot be applied against any of the permanent members.

The Security Council was set up with the idea that it is essential to make all the United Nations participate in a concerted effort against an aggressor. Even the non-permanent members can participate as members of the supreme action body of the UN. That is why the system of non-permanent membership has been devised.

The Security Council, whose function on matters relating to international peace and security is all-inclusive, is composed at present of the Five Big Powers and of six non-permanent members: Australia, Brazil, Poland, Mexico, Holland, and Egypt. The first three were elected for two-year terms, the remaining three for one year. The election of these non-permanent members is of such importance that at the General Assembly in London five votes and a drawing of lots were necessary before the final result was achieved. The Charter provides that the non-permanent members are to be elected for a term of two years. However, in the first election three of them were to be chosen for a term of only one year. Even on this question of who was to be elected for two years and who for one, there was a sharp struggle

which resulted in a tie vote for Holland and Poland. The President of the Assembly, Mr. Paul Spaak, then had to decide the matter by drawing lots. Poland was favoured by fate and was finally declared elected for a period of two years.

While the members remain free to accept or reject the recommendations of the Assembly, the decisions of the Security Council are binding. A special Article provides that the members agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

The Security Council has learned its lesson from the whole bitter experience of fascist aggression and the slowness of the League machinery in taking action. The workings of the new world security instrument are streamlined and permanent. The Security Council is so organized as to function without interruption. The permanent as well as the non-permanent members must appoint plenipotentiary delegates to be continuously available at the seat of the United Nations. In the past there have been so-called week-end incidents which quickly developed into dangerous situations. There can be no week-end incidents this time. The Security Council is geared to action seven days a week. It can enter into session at any time and begin to function immediately. In an emergency it is not tied to headquarters but can move to any danger spot on the globe or to any other place where it feels it can work more efficiently.

The Security Council has the power to create subsidiary organs for reasons of convenience or necessity. It can delegate a great deal of authority to them. This is important: there might be several emergencies at the same time, and if the Security Council had no subsidiary organs it could deal with only one of them. The subsidiary organs make it possible for the Security Council to be on the scene everywhere.

**The Military Staff Committee.** Two essential assets for action distinguish the Security Council from the Council of the old League of Nations. The first is the existence of important military machinery; the second is the obligation of member states to carry out its decisions.

The Security Council is advised and assisted constantly on all military matters by a Military Staff Committee. The Staff Committee is of paramount importance because the five strongest countries of the world send to it their highest military officers—their chiefs of staff or their representatives. All branches of their armed forces—air, sea, and land—are represented.

It is this Staff Committee which will be responsible under the Security Council, for the strategic direction of the various armed forces put at the disposal of the UN. With the authorization of the Security Council, the Staff Committee may establish regional committees. Wherever regional organizations of UN countries

exist, the Staff Committee will consult with them on its own regional committees to assure maximum co-operation. \

The Military Staff Committee is an organization whose duty it is, according to the Charter, to advise and assist the Security Council on all military requirements necessary for the maintenance of international peace and security. Besides, it is the duty of this committee to advise on, and assist in, the employment and command of all air, land, and sea forces in a combined international action against an aggressor.

The Military Staff Committee has already held many secret sessions since the beginning of 1946 when it was constituted under the authority of the Security Council in London; but so far little progress has been made toward putting it into effective operation. It was clear, immediately after the first sessions of the general staff representatives of the Major Powers, that if the Military Committee of the UN were to function effectively it must organize itself like any national general staff. It must have a Chief of Staff, an information service, and other tactical and strategical services. Above all, it must share the military secrets of all other countries. Obviously the last condition could not as yet be fulfilled. Today, the idea of national security is still tied up with the idea of military secrecy. Naturally the nations are reluctant to divulge their military secrets—even to the UN.

But some progress has been made. There is something very encouraging in the fact that generals, admirals, and air marshals sit down together in the same room and talk not about temporary military alliances in a war but about organizing a world military force for peace.

The member states are bound by the Charter to make armed forces available to the Security Council, and must give all assistance and facilities—including the right of passage—necessary to carry out successful action. The Security Council will propose specific agreements with the individual members to indicate the exact number of forces, their location, and the specific type needed. The Military Staff Committee is potentially, therefore, the future General Staff of the world; it will have at its disposal information, knowledge, and plans of the armed might, the location, disposition, and type of forces of all countries.

The Military Staff Committee and Disarmament. The usual function of a military staff committee is to plan bigger armaments and larger armies. A basic doctrine of military leaders is to have more forces at their disposal than are needed. But the Military Staff Committee of the UN—and this is characteristic of the whole spirit of the Security Council—is also entrusted with the decisive functions of helping the Security Council plan the regulation of armaments and, eventually, general disarmament.

Here again the United Nations is in a much better position to



act than was the old League of Nations. The UN Security Council will know exactly what kind of offensive weapons must be regulated first. It realizes that their elimination could create an atmosphere of confidence which might finally result in disarmament. At the Disarmament Conference in Geneva, Switzerland, the League had no such military organization as the Military Staff Committee and this considerably weakened the prospects for a general agreement on the limitation of armaments. In every country the nationalists and the General Staffs were able to point out how simple it would be for other countries to evade the agreement—or perhaps replace certain weapons with others even more powerful—while their own government was planning to limit its armaments.

One aspect of the Military Staff Committee is particularly interesting: its two main functions seem to cancel each other out. On the one hand, it works toward a strengthening of a military machine—the machine at the disposal of the UN. On the other hand, it works toward a goal of total disarmament. What really matters is that as long as there is no total disarmament, the Military Staff Committee will be needed to curb aggression and maintain the peace.

**Atomic Energy Commission.** Between the adoption of the United Nations Charter at San Francisco and the first General Assembly in London, the announcement was made of the discovery of atomic energy.

Ever since the atom bombs were dropped on Japan, world interest has been focused on the discussions among the "atomic" Powers—the United States, the United Kingdom, and Canada. From the beginning it was clear that only a global organization could deal with the global problem. The members of the UN realized that its future was tied to the future of control of atomic weapons. If atomic weapons could not be controlled, the UN might as well decide to vote itself out of existence.

The UN accepted the challenge. By a unanimous resolution of the General Assembly the UN established an Atomic Energy Commission, composed of the representatives of all members of the Security Council, plus Canada. In view of the importance of the whole problem of atomic energy for the maintenance of international peace and security, the Assembly placed that Commission under the orders of the Security Council.

The Assembly decided that the Commission should act with the utmost speed, and have authority to inquire into all phases of atomic energy.

The Commission was ordered to make specific proposals:

1. For extending between all nations the exchange of basic scientific information for peaceful ends

2. For control of atomic energy to the extent necessary to ensure its use for peaceful purposes
3. For the elimination from national armaments of atomic weapons and of all other major weapons adaptable to mass destruction
4. For effective safeguards by way of inspection and other means to protect complying states against the hazards of violations and evasions.

The Commission will have to submit its reports and recommendations to the Security Council. These reports will be made public unless the Security Council decides that such publicity is against the interests of peace. Whenever the Security Council considers it appropriate, these reports are transmitted to the General Assembly, to the Economic and Social Council, and to other organs of the UN.

The importance of this Commission will undoubtedly grow to such proportions that its activities may exceed in importance those of all the other organs of the UN; but the Security Council is specifically authorized by the Assembly to be in control of the Commission in all matters affecting security.

The Commission will have the right to work out its own rules of procedure. Before they can be applied they will have to be approved by the Security Council. The decision of the Assembly expressly provides that in approving the procedure the Council will act on a majority of seven, whether all the permanent members are among them or not.

With the wide field of action assigned to the Atomic Energy Commission, the Security Council, and with it the whole United Nations, enters into a new phase that might considerably affect the classical concept of national sovereignty.

**The Three Stages of Security Council Action. I. Peaceful Settlement.** When two or more countries find themselves in a dispute which is likely to endanger the maintenance of peace, they are obliged under the Charter to try peaceful bilateral methods of reaching a just solution. They are specifically advised by the Charter not to take irresponsible action against each other, but to negotiate, to make a complete inquiry into the situation, and to resort to conciliation, mediation, and arbitration for a judicial settlement. In order to avoid such a dispute spreading into a general conflagration, the Charter specifically suggests resorting to regional agencies wherever these exist. For example, if a dispute should arise between two Latin-American countries, or between the United States and a Latin-American country, they might call upon the Inter-American Agency for mediation. Wherever regional arrangements have been made in other parts of the world, the same procedure could apply. The UN expressly

provides for direct negotiation among the disputing powers or for settlement procedures under regional agreements—or for any other method of conciliation on which both parties agree.

The Security Council reserves to itself the right to call upon the parties to settle their dispute by peaceful means, and it also specifically reserves the right to investigate any situation that may lead to international friction. There is no point left on the whole globe where two countries, however small, members or non-members of the UN, can start a dispute in an area over which the powers of the Security Council do not extend. Not only the parties to a dispute but the Secretary-General, the General Assembly, and any individual member of the UN may bring the dispute before the Council. This is of great practical importance, because the constitutional government of a country might be replaced by a puppet imposed by an aggressor, and then such a country naturally would not bring a complaint before the UN against its "benefactor." In such a situation, the other members of the UN may act for the oppressed people of the country involved.

The United Nations, through the Council, has really assumed the functions of policing the world. Even non-member states have the right to appeal to it for help and advice and, if necessary, for protection—provided that those countries accept in advance the obligations for peaceful settlement laid down in the Charter. Countries can no longer pretend that a dispute between them is purely a local matter, and refuse to permit the UN to interfere. No dispute can remain hidden for any length of time because there are so many channels through which it can be brought to the attention of the Security Council. For example, if there were a territorial conflict over a border line—which has often led to dangerous international situations—the Security Council could suggest to the parties concerned an adjustment of a few miles either way. Whenever the Security Council makes a recommendation in a legal dispute, it will as a general rule try to have it referred by the parties to the International Court of Justice.

**II. Non-Military Sanctions.** If the parties to a dispute believe that they cannot settle their differences by peaceful direct mediation or arbitration, they must refer it to the Security Council. When the Security Council has received such information, it can do either of the following: it can recommend various methods or procedures of adjustment; or, if the situation is very grave, it can recommend its own terms of settlement. But when the conviction has been reached that there is a general threat to peace or that there has been an act of aggression, then the Council goes into action.

The Council might then decide upon a certain number of pro-

visional measures so as not to aggravate the conflict. For example, if two armies were marching against each other, the Council might ask both parties to stop their armies where they were. This of course would not create any prejudice against the rights, claims, or positions of the parties concerned. Incidentally, this method was used in 1925 by the old League of Nations, to stop the Greek armies which had invaded Bulgarian territory. Starting with a banal frontier incident among a few guards who quarrelled, the incident became a serious threat to international peace as Greece mobilized three army corps. The President of the Council at that moment was the famous French statesman, Aristide Briand. He began by asking the two armies to stop on the spot where they were at the moment of the receipt of his communication and to await the arrival of a League Committee. The Greeks were at first recalcitrant but, faced with an ultimatum by the Council that if they would not submit a naval demonstration or blockade or economic sanctions might be applied against them, accepted the Council's instructions. This is a precedent which might be used by the Security Council in a similar situation.

If the situation is acute, the Council may ask the members of the UN to apply measures which do not involve the use of armed force. For example, a country which has not complied with the recommendations for a peaceful settlement of disputes and which has threatened or broken the peace might be punished by a complete or partial break in economic relations. Members of the UN might be asked by the Security Council to interrupt all diplomatic relations with the recalcitrant country. They might suspend all rail, sea, air, postal, radio, telegraphic, and other communications with the country.

At this point one must emphasize a major organizational weakness of the Security Council. Although it has at its disposal a Military Staff Committee for military operations, and although the International Court of Justice is available for judicial solution, no organization has yet been set up for the application of effective economic sanctions. The Security Council could of course call upon the Economic and Social Council for recommendations on such sanctions, but that Council itself is not set up to act with the same precision and promptness as a Military Staff Committee. In order to adopt the most effective economic sanctions that would immediately strangle the aggressor or would-be aggressor, a general staff similar to the one which acts in the military field is necessary in the economic field.

**III. Military Sanctions.** If the Council becomes convinced that non-military measures are not sufficient or, if after having applied them, sees that they are inadequate, then it may immediately take action by air, sea, or land forces. This action may

be anything from a simple blockade to a full-fledged military operation.

Once the gigantic machinery of the UN was put into action, there would be no escape for the would-be aggressor. The world would never again be placed in such a position as, for example, that brought about by Mussolini's aggression against Ethiopia, when after long delays ineffectual economic sanctions were decreed and even then only partially applied. A body has now been constituted that is not limited in its power to take the most drastic measures, including even the use of the atom bomb.

The UN will sign special agreements in advance with each of those United Nations whose military contribution is essential in case of action against an aggressor. Every nation which is asked to participate in collective security measures will have the right to participate in the Council for the length of time its services are rendered. For urgent action, the members will also hold national air force contingents available for combined international enforcement. All the plans necessary to the complete defeat of the aggressor or aggressors will have been worked out in advance by the Military Staff Committee, which must be ready to act in any part of the world.

Food, raw materials, means of communication, and all other facilities which will be included in the special agreements with the individual members, to be signed by the UN, will also be at the disposal of the Security Council.

The extraordinary resources and the great rapidity of action thus rendered possible increase the chances for limiting and localizing any given war situation. As a matter of fact, these chances have never been so good before. At no time in history could any military board have obtained an advance agreement of support extending through every continent.

In principle, the Security Council of the United Nations becomes one of the most efficient of international organizations, capable of putting an end to a dispute by peaceful settlement, of breaking the guilty country by economic or other sanctions, or of applying the military might of all the member states of the UN.

Yet there is one constitutional provision in the structure of the Security Council which it is feared might paralyse the whole system:

**The Voting Procedure.** The Charter provides that each member of the Security Council shall have one vote. In order to reach a decision on any subject brought before the Council, seven affirmative votes are required. This rather unusual provision in an eleven-man body can be explained by the structure of the Council. As there are six non-permanent members, the others were apprehensive that there might always be a majority of the smaller powers in making decisions on matters of procedure, and

that is why it was decided that one permanent member must vote with the others before a decision is reached.

But the major innovation in constitutional thinking is the provision which requires that on all matters outside procedural questions a decision can be reached only if the five permanent members have voted affirmatively among the seven voters participating. Thus each of the permanent members can, by his single vote, oppose any decision—and that is what is called the "Veto Power."

The Veto Power cannot be applied by a country which is a party to a dispute. It is on these voting provisions, contained in the already famous Article 27 of the Charter, that jurists, lawyers, and statesmen all over the world have engaged in the most heated arguments. They have attempted to define a dispute, and to find the precise moment when a country may veto further investigation of a dispute that has been brought before the Council.

The Security Council appointed a special Committee of Experts to establish rules of procedure on this and other subjects. This Committee was able to reach an agreement on all other matters, but could not agree on the voting procedure. There are two major concepts which remain unalterably opposed, on the basis of the wording of the Charter.

One group contends that it was clearly the intention of those who framed the Charter that the major Powers could stop by veto everything but a decision on procedural matters.

The other concept is based on the fact that a party to a dispute, not having the right to vote, cannot stop the Security Council from taking all measures foreseen in the framework of peaceful settlements of disputes. Therefore, the Security Council is free to investigate, propose adjustments, and recommend all kinds of mediation—up to taking direct action.

The only matter on which there is no disagreement is that when it comes to action—that is, the application of diplomatic, economic, military, or other sanctions—nothing can be done without the agreement of all the major Powers, plus two concurring votes by the non-permanent members.

The natural question is: What if one of the Great Powers should have a bad government, or if one of the major countries should be taken over by a *coup d'état*? What if a small country, feeling itself well protected by a large one, attacks another small country?

The answer is that within its present structure the Security Council then cannot act.

However, this answer in itself is not complete, because there can be no doubt that each of the major Powers will make every effort to avoid being placed in a position of applying the veto against all the others. The experience of the Security Council has already shown that all its members are trying to avoid bring-

ing matters to a vote, and often the Council remains in sessions for days going over a subject on which there are conflicting views. It proceeds to a vote only when no other alternative is open to it.

In analysing the work of the Security Council up to this time, one finds that the major Powers are extremely hesitant in applying their veto power and that tacitly they consider it as an extraordinary measure to be applied only in very rare cases.

Even so, the question still remains: what happens if the Security Council does not take action, either for reasons of procedural delays or because of a veto?

**The Right to Self-Defence.** Two situations might arise in which a victim of an armed attack may find itself without Security Council action.

The first is when an attack is so sudden that the Security Council has not had time to act. In such a case, as well as in all other cases of armed attack, the members of the United Nations keep their absolute right of self-defence, either individually or collectively. Until the Security Council takes the measures necessary to maintain or re-establish international peace and security, the victim or victims of an armed attack are free to defend themselves with all available means. Their only duty is to report those measures to the Security Council immediately.

However, the right to self-defence does not impair the responsibility and authority of the Security Council to take any action in order to maintain or restore international peace and security.

Let us assume that a small country, X, is attacked by the armed forces of a power, Y, and the aircraft of the United Nations have not arrived. The victim then has the right to defend itself and to appeal to all its neighbours and allies for help; but at the same time it must inform the Security Council of the measures it has taken. The neighbouring countries and allies who have helped the victim of an armed attack must also inform the Council of the measures they have taken. The Security Council, in possession of all the information, can then take over. Through its Military Staff Committee it can start the machinery rolling. The special air contingent of the various countries held at the disposal of the Council, as well as all other assistance provided for in the special agreements with the countries, goes into action against the aggressor. From that moment the Security Council is in command, and the victim of the attack takes part in the general campaign against the aggressor.

The second hypothesis is more complex, but also less likely. The country X has been attacked by Y. It has appealed to the Security Council. The Council will first attempt peaceful settlement. If Y happens to be a permanent member of the Council, being a party to the dispute it cannot veto the investigation and

public discussion. All it can veto are sanctions against itself by the United Nations. But if Y should be a close ally of a permanent member, then the latter, not being a party to the dispute, can veto both attempts for peaceful settlement and sanctions.

The question comes up again, what then? What does X, victim of an armed attack, do?

Well, it does what has been done for centuries. It defends itself, and it looks for allies. If the case is clear-cut, the other members of the United Nations may help it. The organization as such does not exist any longer. The acquired knowledge of the Military Staff Committee, the Atomic Energy Commission, and all the other organs can no longer be used on behalf of the United Nations. Individual countries acting in their own capacity would certainly attempt to make use of it.

However, these are purely theoretical questions, for the whole United Nations concept is based on the morality and unity of the Big Powers.

**Regional Arrangements.** It is one of the basic purposes of the United Nations to grant the individual states the greatest initiative possible for peaceful settlement of local disputes. Therefore the existence of regional arrangements or agencies is expressly authorized by the Charter.

Of course these agencies and their activities must be consistent with the principles of the UN. If a dispute should arise in a region of the world where such agencies exist, the Security Council will encourage peaceful settlement by them—or may even refer local disputes to them. The Council may also make use of such agencies for enforcement action. However, none of these agencies may make use of enforcement action without specific authorization by the Security Council.

These provisions are the result of the desire expressed by the countries of the Western Hemisphere who were signatories of the Chapultepec Conference at Mexico City in March 1945. Before San Francisco they had perfected a regional agreement among themselves. There was strong resistance within the UN to any regional arrangements—it was feared that they might weaken the structure as a whole—but the idea was finally admitted with the provision that the Security Council has the last say.

This clearly establishes the fact that the Council may, if it deems necessary, take the peaceful settlement of disputes out of the hands of any existing or future organizations and act in accordance with its universal powers, which remain unlimited.



## CHAPTER FIVE

### The Economic and Social Council

THE ECONOMIC and social programme of the United Nations is an innovation in international affairs. Breaking with the classical concept that such matters as the promotion of fundamental human rights, higher standards of living, or full employment have no place in an international agreement, the Charter of the UN has placed them among the main objectives of the broadest treaty ever signed.

The UN governments have set a precedent for a new diplomacy. They have agreed on a programme which would probably have been considered subversive by diplomats of the nineteenth century. These are its principal points:

1. Higher standards of living, full employment, and economic and social progress and development
2. Solution of international economic, social, and health problems and related matters; and international cultural and educational co-operation
3. Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

The fulfilment of this programme is entrusted to the Economic and Social Council, which is composed of eighteen member states elected by the General Assembly. These states are at present: Chile, China, Norway, United Kingdom, Peru, U.S.S.R., United States, Canada, Lebanon, Colombia, France, India, Belgium, Czechoslovakia, Ukraine, Cuba, Greece, and Yugoslavia.

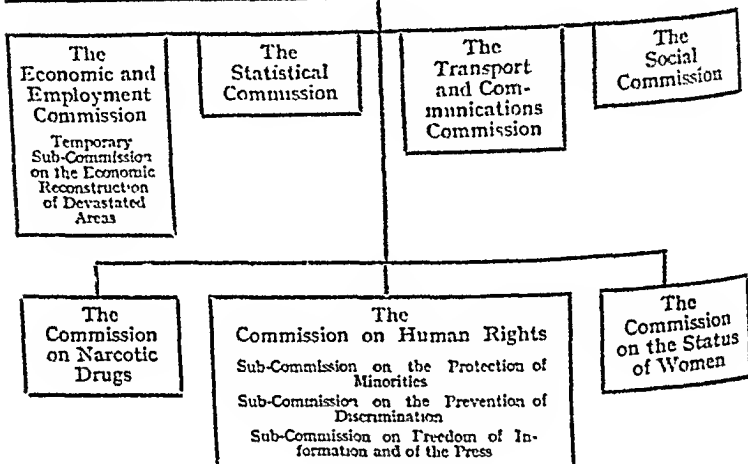
The Economic and Social Council meets at least three times a year. Decisions are made by a majority of the members present and voting. Normally the Council votes by a show of hands, but each member of the Council has the right to request a roll-call.

**Frequent Sessions.** The importance of the Economic and Social Council in the whole structure of the United Nations is illustrated by the fact that, outside the permanent organs, it is the only one that meets three times a year, and also that provisions are made for many extraordinary sessions of the Council. Extraordinary sessions must be held whenever they are requested by the General Assembly or by the majority of the members in the regular session.

In one case the intimate connection between economic and security questions becomes particularly obvious. The Security Council may decide to apply measures not involving the use of

## ECONOMIC AND SOCIAL COUNCIL

Comprises 18 members appointed by the General Assembly; meets three times a year and in special session when necessary; deals with (all) economic, social, humanitarian, educational and related problems; functions as a co-ordinating agency for working relationships between the UN and governmental agencies, and creates specialized agencies when necessary; appoints special commissions to assist it in any given field. All the Commissions listed below are co-equal under the Council.



—Contemplated Commissions—		
Demographic Commission	Fiscal Commission	Co-ordination Commission
—Suggested Commissions—		
Geographic Commission	Economic Development Commission	
Full Employment Commission	Economic Reconstruction Commission	

Co-operating with the following specialized agencies: Food and Agriculture, United Nations Educational, Scientific and Cultural Organization, International Labour Office, International Monetary Fund, and International Bank of Reconstruction. Under consideration are International Refugee Organization, World Health Organization, etc.

Co-operating with the following accepted private agencies which act in a consultative capacity: World Federation of Trade Unions, International Co-operative Alliance, American Federation of Labour. Other applications are being considered.

armed forces but calling for the complete or partial interruption of economic relations. The Security Council may then request a special session of the Economic and Social Council. In that case the Economic and Social Council functions as if it were an organ of the Security Council.

Special sessions may also be requested by any member of the UN, by the specialized agencies, or by the Trusteeship Council, but such a session will not be held unless the President of the Economic and Social Council concurs on the urgency of the matter. If the President should not concur, he must consult the members of the Economic and Social Council, and if within eight days a majority should express the view that the request is justified then, despite his personal opposition, he will call a special session within fifteen days.

The Economic and Social Council co-operates closely with specialized inter-governmental agencies. Besides—and it is the only organ of the UN authorized by the Charter to do so—it co-operates closely with non-governmental national and international organizations which are working on economic and social problems or related matters. It may invite governments which are not members of the Council but whose participation in a particular economic problem seems important, or specialized agencies, to attend Council meetings and take part in the debate without a vote. Finally it may make its recommendations directly not only to the General Assembly or to individual members but also to related governmental and non-governmental agencies.

On the whole, the structure of the UN is more elastic when security and political problems are not directly involved. The procedure becomes less rigid, and outsiders have a greater chance to participate. It even seems that governments become bolder; at least their fear of being outvoted is much less apparent in the Economic and Social Council than in other organs.

**Consultation with Private Organizations.** To enable the Economic and Social Council to cope with so vast a programme, four kinds of procedures have been established:

1. The Economic and Social Council may call international conferences on all matters falling within its scope. At the first session of the Conference in London, it decided to call an international health conference, as well as one on refugee problems.
2. The Economic and Social Council may organize specialized agencies or enter into agreements with the various existing agencies and serve as a harmonizing centre.
3. The Economic and Social Council may act autonomously by making recommendations directly to the Assembly, or to the members of the UN.
4. The Council may prepare drafts of international conventions to be submitted to the General Assembly. (A convention is

an international agreement which is signed by various governments, but which has to await ratification before coming into force.)

The programme of the Council needs, more than that of any other organ of the UN, the constant support of international public opinion. The Council is authorized, therefore, to enter into direct consultation with private organizations of international and national character. Such an arrangement with a national organization will be made after consultation with the respective government. For example, before accepting the U.S. Chamber of Commerce or an American labour union as a consultant, the American government will be asked for its opinion on the advisability of this arrangement.

Many hundreds of private organizations, both national and international, have already applied, or are planning to apply, to the Economic and Social Council for admission in a consultative capacity. This is the first time private organizations have been allowed to enter into a direct and permanent working relationship with an inter-governmental agency. Every application addressed to the Council is submitted to a special committee for preliminary consideration, and is then forwarded with a resolution for favourable or unfavourable action, to the full meeting of the Council. Each application must indicate clearly why the organization should be admitted, what specific contribution it could make to the UN, and its previous record, and it must furnish any other pertinent information. The fact that a private organization is pro-UN is not in itself sufficient for admission.

This participation is of great political importance. In London, a prolonged discussion took place in the General Committee, the Assembly, the Political and Security Committee, and the Economic and Social Council on the first applications received by the United Nations. They had been submitted by the World Federation of Trade Unions (W.F.T.U.), the International Co-operative Alliance, the A. F. of L.,<sup>1</sup> the International Federation of Women, and the World Federation of Democratic Youth. In this discussion the problem of the relation between governmental and non-governmental organizations was brought up. Some governments contended that the peoples of the UN were already represented in the organization through their governments and that there was no need for an inter-governmental agency to call in private organizations. Other governments insisted on the desirability of giving private representative bodies of public opinion a direct channel of expression through the Economic and Social Council. They emphasized the fact that the participation of workers in economic sanctions against an aggressor would be of paramount importance, and that this could best be achieved by

<sup>1</sup> American Federation of Labour.

having the World Federation of Trade Unions working in an advisory capacity with the Economic and Social Council.

This raised the problem of what kind of yardstick should be used by the UN to determine what constitutes a representative body of public opinion and which of the private organizations could be of real help to the different organs of the UN. It was decided to attempt a compromise and to balance the various political orientations of the first consultative organizations by admitting the following three: The W.F.T.U. (whose American affiliate is the C.I.O.<sup>1</sup>), the International Co-operative Alliance, and the A. F. of L.

Through this policy the UN has created an entirely new legal relationship between inter-governmental bodies and private groups.

**The Scope of the Council.** Outside the fields of security and international law, the scope of the Economic and Social Council extends to practically every human activity of international interest. The Council has the power to make its own studies, or to initiate studies, on international economic problems, social affairs, the culture of mankind, and the education and health of the peoples of the world.

Every related matter, such as relief and rehabilitation, monetary co-operation, international investment, trade policies, food and agriculture policies, labour standards and welfare, international aspects of transport and communications, whether, it is handled by other agencies or not, falls within the range of the activities of the Economic and Social Council.

The Charter also entrusts to the Economic and Social Council the right to make recommendations promoting respect for, and observance of, human rights and fundamental freedoms for all.

This programme, expressed in a few words, is nevertheless one of the most ambitious programmes ever undertaken. It can be fulfilled—but even partial fulfilment will involve planning on a global scale.

It also involves the most active support of governments and peoples. The governments and peoples of the UN have signed and ratified the Charter. They have bound themselves to a policy of economic and social progress. They have expressly recognized that these problems are a matter of international concern and cease being the exclusive domestic problems they had been before. Yet sometimes it seems as if the governments and peoples have not yet realized the full extent of their obligations.

This may be of tremendous importance in the most revolutionary programme of the Economic and Social Council: the programme concerning welfare and human rights. The Charter

<sup>1</sup> The Congress of Industrial Organizations.

establishes that these rights shall apply to all, without distinction as to race, language, sex, or religion. Here again, if the Charter is to be put into full effect by the countries which have ratified it and accepted its obligations, any kind of racial, language, sex, or religious discrimination becomes a violation of this international agreement. The interesting thing about this programme is that all members pledge themselves explicitly not only to participate in a joint action, but also to act individually for its attainment.

**Commissions in Special Fields.** Under the authority of the General Assembly, the Economic and Social Council must not only preserve whatever progress has been made so far in the economic and social fields, but above all it must promote better and higher standards. In order to cope with its tremendous assignment, the Council had to organize a considerable number of specialized Commissions.

The Commissions must perform the following functions :

1. Fact finding
2. Analysis
3. Recommendations for co-ordination with existing agencies in its field
4. Recommendations to the Council for action.

Some Commissions have already been established and are functioning. These are:

Human Rights Commission

Economic and Employment Commission

Social Commission

Statistical Commission

Transport and Communications Commission

Narcotic Drugs Commission

Status of Women Commission.

The Council may create as many other Commissions as it may deem necessary, of a permanent or a temporary character.

Each of the Commissions functions along the same procedural lines as the Economic and Social Council, and the Commissions elect their own officers. So far, all members of the Commissions have been appointed by their governments. However, it has been suggested that other members should be elected as well. Sometimes persons without official connections might be particularly qualified for the work on hand.

In some fields, the Commissions can benefit from activities which were started before the creation of the UN, or which are going on now within certain specialized agencies. In other fields, the Commissions must build from scratch and do a pioneering job, from the research to the solution of a given problem.

The problems faced by these various Commissions can best be illustrated by examining the workings of one in each of the three major fields: Social, Economic, and Human Rights.

**Social Commission.** The Social Commission, whose main task it is to report to the Council on social problems requiring immediate attention, had to begin by making definitions. First it had to define what was meant by the terms "social" and "social policy." In the past these terms were commonly associated with activities of a charitable nature based, according to the Commission, on "a condescending benevolence on the part of the privileged classes toward the poor, profoundly offending the dignity and the principle of democratic equality." The Commission has agreed that today, while there is still room for voluntary charitable activities, the main burden of securing an adequate standard of living for all must fall upon the community.

When the Commission came upon the term "standard of living" it had to define its meaning. It examined first of all the component elements of any standard of living, whether high or low. These elements are: housing, food and nutrition, clothing, health and medical care, education, and recreation.

The standard of living is determined by:

1. Income and cost of living, which comprises a study of wages, family allowances, social security, unemployment insurance, social assistance, family budgets, home management, and similar matters
2. Protection during work, which comprises working conditions, hours of work, protection of health, right to organize, protection of women and children, and similar matters
3. Family life, which comprises marriage and all problems related to it, family welfare, parent education, guardianship of children, adoption, illegitimacy, separation, and divorce.

It was obvious to the members of the Commission that this whole field is of such importance to the welfare of mankind that only a permanent body could deal adequately with the social task of the UN.

**Economic and Employment Commission.** This Commission acts as a permanent advisory body to the Economic and Social Council on economic questions. The particular functions assigned to the Commission are to advise the Council on:

1. The prevention of wide fluctuations in economic activity and the promotion of full employment; this is to be achieved by the co-ordination of national full employment policies and by international action
2. Problems of the reconstruction of devastated areas and

other urgent problems arising from the war, with due regard to the need for meeting short-term situations most consistently with the requirements of long-term policy

3. Problems of economic development in less developed areas and of economic expansion in general.

It is evident that a Commission composed of seven members could not present advice to the Council on such vast subjects without the help of sub-commissions, and the Council empowered it to create them

The Economic and Employment Commission was authorized to establish the following sub-commissions:

1. A Sub-Commission on Economic Stability
  - (a) to study national and international full employment policies and fluctuations in economic activity
  - (b) to analyse the causes of these fluctuations
  - (c) in consultation with the Sub-Commission on Balances of Payments, and if necessary any other sub-commissions, to advise the Commission on the most appropriate methods of promoting full employment and economic stability.
2. A Sub-Commission on Balances of Payments to advise the Commission, in the closest co-operation with the Sub-Commission on Economic Stability, on Balance of Payments problems, especially those which require for their solution concerted action by governments or by more than one specialized agency.
3. A Sub-Commission on Economic Development, to advise the Commission on the long-term development of production and consumption throughout the world, and in particular on:
  - (a) methods of increasing production, productivity and levels of consumption, with special attention to the less-developed regions of the world
  - (b) the effects of industrialization and technological change on world economic conditions, and the adjustments required.
4. A temporary Sub-Commission on Economic Reconstruction of Devastated Areas, to advise the Commission on:
  - (a) the nature and scope of economic reconstruction problems of those countries which face great and urgent tasks in this field, whether by reason of occupation or physical devastation
  - (b) the progress of reconstruction and the measures of international co-operation by which reconstruction in those countries might be facilitated and accelerated,



bearing in mind the probable influence of existing conditions and plans of reconstruction on economic stability, full employment, and the establishment of an integrated world economic system.

Naturally there are no sharp dividing lines. All these problems interlock. Full employment, technological changes, and aspects of reconstruction may be handled by three different sub-commissions; yet when the sub-commissions have finished their research and made their recommendations, the single questions become again parts of a larger whole: The Welfare and Human Rights Programme of the UN.

The Commission on Human Rights. The duties of this Commission extend to the drafting of an international bill of human rights, to be submitted to the full Council; and to the consideration of any matters within the field of human rights likely to impair the general welfare or the friendly relations among nations.

The Commission first recommended to the Economic and Social Council the establishment of a full documentation of all declarations and bills on human rights now in force in the various countries, and to collect and publish all other information available, including plans and declarations by specialized agencies and non-governmental organizations.

It was recommended to the Council that member nations establish local research groups which might provide the Commission with the necessary information on the problems regarding human rights in the various countries.

Once an international bill of rights is drafted, it should be circulated to the UN governments for comments and suggestions. On the basis of these comments and suggestions it could proceed to a final draft for submission to the Economic and Social Council. The Council could then submit a draft convention for an international bill of rights to the UN governments as a whole.

The promotion and observance of human rights presents the United Nations Organization with the delicate problem of combining into one policy the sovereignty of states and international control. For the Charter expressly provides that the Organization has no right to intervene in matters of domestic jurisdiction but at the same time states the obligation for the UN to promote universal respect for the observance of human rights.

The influence of the ideas of universality of President Roosevelt, whose Four Freedoms always contained the words, "everywhere in the world," can be traced in the whole UN concept. But neither President Roosevelt nor the Charter has found the solution of how to implement the universal application of human rights without infringing upon the sovereignty of individual states.

The UN Commission on Human Rights is aware of the problem. It has agreed that the promotion of human rights, as defined in the Charter, "could be fulfilled only if provisions were made for the implementation of the observance of human rights and an international bill of human rights."

This would of course lead to the establishment of an agency of implementation: i.e. an international authority with the necessary powers to advise both the Economic and Social Council and the General Assembly on whether and how human rights could be applied everywhere. But then immediately comes up the problem of what the organization is to do if in some country a citizen sees his rights violated for reasons of race, sex, language, or religion, if he does not receive satisfaction from his own national authorities in court, and if he then complains to the UN. Today, he could not present his case directly. He could do so only in exceptional circumstances—as an inhabitant of a trust territory (he could then present it to the Trusteeship Council), or if he could get his own government, any other member of the UN, a specialized agency, or, finally, the Secretary-General, to put this problem on the agenda of the Assembly.

Obviously this procedure would be extremely difficult for the citizen whose human rights have been violated. But if he succeeded, difficulties of another nature would be even greater. Complications would result within the UN—and although it is rather unlikely that there will be many of these cases the UN must take care to avoid them altogether. Its job will be to build a system which is elastic enough to combine the two contradictory ideas: the sovereignty of the states and the international character of human rights.

Yet there is a way out. The whole problem may be brought nearer a solution if an international bill of human rights, after having been accepted by the General Assembly, is then ratified by all the member nations and incorporated into their own national constitutions. Then the organization would reach its goal, which is to have the principles of the United Nations applied by the countries themselves.

The international bill of rights may still be a long way off. But meanwhile the Human Rights Commission has recommended that pending the adoption of such a bill all provisional measures be taken by the member states for the observance of human rights, and particularly that states seeking admission to the United Nations accept obligations in this matter.

**Status of Women.** Another problem before the United Nations is the one concerning the status of women. A Sub-Commission has been established to deal with this matter. While the recommendations by that Sub-Commission will have to go through many phases before they reach the stage of an international con-

vention, it is nevertheless interesting to observe the general trend of those recommendations.

The Sub-Commission recommended:

1. In the field of political equality of women:
  - (a) Universal suffrage
  - (b) Equal right to vote
  - (c) Equal right to be elected
  - (d) Equal right to hold office.
2. In the field of civil rights:
  - (a) *Marriage*: Freedom of choice, dignity of the wife, monogamy, equal right to breach of marriage
  - (b) *Guardianship*: Equal right to have guardianship of her own and other children
  - (c) *Nationality*: Right to keep her own nationality, and her children's having the right to choose the nationality of the mother on majority
  - (d) *Property*: Equal right to hold and acquire, administer and inherit property.
3. In the economic and social field:
  - (a) To prevent discrimination against women in social and economic status and customs
  - (b) (1) To abolish prostitution by removing the legal and customary provisions pertaining to it
  - (2) To take strong measures to put down traffic in women and children
  - (3) To prevent clandestine prostitution by providing conditions that make it no longer necessary for women to earn money by these means
  - (4) To enable former prostitutes to return to normal life without discrimination by providing work for them, as well as a widely accessible educational system
  - (c) While no disability should be attached to women on the ground of their sex, in regard to employment in full equality, in the exercise of social and labour rights, and in the assumption of social and labour duties, special consideration on grounds of health may be given equally to men and women, and special consideration to women on grounds of motherhood
  - (d) There shall be an effective scheme of health and social insurance legislation which will provide equal medical care for women and will include special provisions for maternal and child care.
4. In the field of education:
  - (a) Equal opportunity for compulsory, free, and full education; equal opportunity in all specialized fields

as well as training in eugenics—the right to enjoy scientific discoveries applied to human growth and development.

**Specialized Agencies.** Since the United Nations was conceived as the centre of world co-operation, those who framed the Charter specifically provided that inter-governmental agencies having wide international responsibilities be brought into relation with it.

The most important inter-governmental agencies whose activities fall within the scope of the general programme of the UN are: the Food and Agricultural Organization, the International Monetary Fund, the International Bank of Reconstruction and Development, the United Nations Educational, Scientific and Cultural Organization, the United Nations Relief and Rehabilitation Administration (whose activities are about to cease), and the International Labour Office.

Other inter-governmental agencies might be created for specific purposes. Some are now in preparation, such as authorities on world trade, refugees and displaced persons, and world health.

These inter-governmental agencies are called, in the United Nations terminology, "Specialized Agencies." Dealing with them might involve certain difficulties. In the first place, their international activities might overlap; there might be a certain amount of duplication. In the second place, there is always the danger of competition and rivalry. Above all, among all their activities the UN itself must not be lost sight of—the UN must remain the centre in which all international activities are co-ordinated. Therefore it was found advisable to provide for special agreements between each of the agencies and the UN, which in this case acts through the Economic and Social Council. These agreements must be approved by the General Assembly. In general, the agreements contain provisions for reciprocal representation. This means that the representatives of the UN participate in the meetings of the governing bodies of the specialized agency and, in turn, the representatives of the latter participate in the corresponding meetings of the Economic and Social Council and other organs related to that agency.

The United Nations has the right to propose items to be included on the agenda of the governing bodies of the specialized agency; in turn, the specialized agency may make proposals for inclusion of additional items on the agenda of UN meetings.

Each of the specialized agencies recognizes the competence and responsibility of the Economic and Social Council to co-ordinate the activities of the specialized agencies. The agencies and the Council exchange information and documents. All the specialized agencies recognize the authority of the Security Council in the maintenance of international peace and security, and agree to co-

## CHAPTER SIX

### The Trusteeship Council

ALMOST ONE-THIRD of the inhabited earth is not self-administered. This is a vast area of over fifteen million square miles, inhabited by over 650 million people. Even when, as announced, India becomes independent, 270 million people and thirteen million square miles will be left under foreign administration.

The greater parts of these territories are direct colonial possessions of the United Kingdom, France, Holland, Belgium, and a few other countries; the remainder are administered by various powers by virtue of mandates. A mandate is a trust to administer peoples not yet able to govern themselves; it was conferred upon particular powers by the old League of Nations. Mandates were established to administer the colonial possessions and territories lost by Germany and Turkey as a result of World War I.

During World War II it became evident that the Italian and Japanese empires would be eliminated, and that the victorious nations would be responsible for what would happen to their mandates and possessions. Since the League of Nations would not be continued in the same form, and since a new organization of the Allies was growing out of this war, it became necessary to establish principles for transferring the mandates to the new organization.

During the war the United States indicated that it was determined to bring about a democratic revision of the whole colonial concept and to adapt it to the progressive theory governing the Atlantic Charter and the Four Freedoms.

From the very beginning the United Nations had a problem on its hands: the so-called dependent areas had to be governed along more progressive lines. Since the United Nations had replaced the League of Nations it was to be expected that this charge would automatically be transferred to the UN. As far as the colonies proper are concerned, everything depended on how far the colonial powers themselves would be willing to go, for, as laid down by doctrine already accepted, colonial possessions fell within the sovereignty of the administering power.

League Mandates. The UN must first deal with the disposal of the mandates of the old League of Nations and of the colonies, mandates, and territories which had previously belonged to Japan and Italy. Among the previously existing mandates, Iraq, Syria, Lebanon, and Trans-Jordan had in the meantime become independent. The following mandates remained:

Under Great Britain: Palestine, part of Togoland, part of the Cameroons, Tanganyika, Ruanda-Urundi, and Nauru (the last administered through Australia).

Under France: part of Togoland and part of the Cameroons.

Under the Union of South Africa: South-west Africa.

Under New Zealand: Western Samoa.

Under Australia: New Guinea and certain South Pacific islands.

Most Pacific islands which had been under Japanese mandates were occupied by the United States during the war.

The United Nations divides its policy with regard to all dependent areas into two parts: the first related to colonies; the second to former mandates and to all other territories brought under its authority.

**Declaration by Administering Powers.** In the first category those members of the UN already administering peoples in non-self-governing territories recognize as a principle that the interests of the inhabitants of those territories are paramount. Furthermore they accept the obligation to promote the well-being of their inhabitants under the system of international peace and security established by the Charter.

They officially undertake the following obligations:

1. To ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment and their protection against abuses
2. To develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement
3. To further international peace and security
4. To promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies, with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article.

The members of the UN administering non-self-governing territories agree that their policy towards these territories must be based on the principle of good-neighbourliness, with due regard in social, economic, and commercial matters to the interests and well-being of the rest of the world.

This is a declaration of the administering powers within the framework of the Charter, but the United Nations has not yet

established a specific system to set up the necessary structure to carry it out, nor have the administering powers yet granted such rights.

The sole organizational responsibility that the administering powers have expressly taken is to transmit regularly to the Secretary-General statistical and other information about the economic, social, and educational conditions in these territories. Even this obligation is limited by security and constitutional considerations of the respective nations. The administering powers, therefore, have a wide latitude in conforming or not conforming to this obligation.

The Supervisory Functions of the UN. With former mandates, possessions, and territories of ex-enemy powers the situation is different. For these, the United Nations has established an International Trusteeship System, and machinery to administer and supervise those territories which will be placed under it by individual agreements.

The objectives of the Trusteeship System, in accordance with the purposes of the United Nations, are as follows:

1. To further international peace and security
2. To promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development toward self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of the trusteeship agreement
3. To encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world.

The objectives also include equal treatment for the United Nations and its citizens in social, economic, and commercial matters.

There are two methods by which a territory may come under the Trusteeship System:

The first applies to a former mandate or any other territory which is voluntarily placed under it.

The second applies to territories detached from former enemy states, which may be placed under the Trusteeship System by peace treaties.

The trusteeship for each territory must be preceded by an agreement outlining the conditions under which the trust territory will be administered, and designating the authority which will exercise the administration. That authority will be either one or more states, or the United Nations itself. Any alteration or

amendment in the basic trusteeship agreement must be approved by both the UN and the administering authority.

Within each trust territory, a specific area may be designated as strategic. This means that a given area is considered of special importance to the maintenance of international peace and security. All functions of the UN relating to such strategic areas, including any change in their status, come under the authority of the Security Council. All other trusteeship agreements, even for those trust territories within which an area has been designated as strategic, remain under the authority of the General Assembly.

The Trusteeship System is based on a voluntary agreement of the administering authority to place a given territory under it. There is no automatic taking over of any territory by the United Nations, whether a former mandate or not. The United Nations cannot change the form of administration without the express consent of the administering authority, even for territories belonging to ex-enemy states. The UN will not alter or modify the original agreement without the consent of the power or powers which have been designated to administer them.

The only territory which can really be considered as being effectively under the UN trusteeship system is one administered by the organization itself. It is within the framework of this general concept that the Trusteeship Council is established.

**Organization of Trusteeship Council.** The Trusteeship Council is the only organ of the United Nations in which the number of members is not determined in advance and may vary according to the number of administering powers.

Its members are divided into permanent and non-permanent groups. The present members of the Council are those countries which administer trust territories, and the Big Five. Non-permanent members are elected by the General Assembly for three-year terms.

The membership of the Trusteeship Council must be equally divided between members of the UN which administer trust territories and those which do not. This means that if there are seven countries which administer trust territories, the General Assembly can elect only four members to the Trusteeship Council, because three of the Big Five—the United States, Russia, and China—are not administering trust territories for the time being. But as they are automatically members of the Trusteeship Council, the General Assembly can elect only four so as to maintain equality in number between administering and non-administering countries.

Each member of the Council has one vote, and the decisions are made by a majority of those present and voting. The Council is to adopt its own rules, including the method of electing its



President. This Council, like the Economic and Social Council, operates under the authority of the General Assembly.

The powers of the Trusteeship Council are limited and relatively insignificant compared with those of the other organs of the UN, for it cannot make recommendations to the General Assembly or to the individual member states. With one single exception, the powers of the Trusteeship Council do not exceed the functions vested in similar organs of the old League of Nations.

The Council may consider reports submitted by the administering authorities, accept petitions, and examine them in consultation with that authority; it may also provide for periodic visits to the trust territories, and take other action which may be envisaged in the various trusteeship agreements. The only improvement over the old mandate system is contained in the provision for periodic visits, but even this is qualified; the visit must be scheduled to take place at times agreed upon with the administering authority.

In order to facilitate its work, the Trusteeship Council will formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory. On the basis of this questionnaire, the administering authority for each trust territory shall make an annual report to the General Assembly.

**Provisional Arrangements.** The Trusteeship Council cannot use any of the limited powers vested in it until the countries which are administering dependent territories have made the necessary agreements with the UN for the establishment of trusteeships. Furthermore, the Trusteeship Council may be faced with situations in certain territories where the administering authority admits the inhabitants of these territories to its own citizenship. Such an admission to the citizenship of an administering country might appear as a great advantage to the natives, but in reality it would simply mean the absorption of that territory into the national framework of the administering country by a federation or direct amalgamation. There is the danger that before the agreements on trusteeship are concluded, the political situation of these territories may be radically altered. For these reasons the first Assembly of the UN in an official resolution drew attention to the urgency of concluding agreements of trusteeship. The Assembly stated that the delay in putting the system of international trusteeship into effect deprives the population of such territories of the opportunity to enjoy the advantages of the principles for their protection provided in the Charter.

Even before the conclusion of trusteeship agreements, or before the Trusteeship Council can come into existence, all the obligations accepted by the administering powers for the protection and welfare of the native population and others would be in force.

The Secretary-General of the UN has been requested to ask for the information which the administering authorities undertook to make available to the organization, and to present a report to the General Assembly. This resolution of the General Assembly, interpreting the obligations under the Charter, establishes the principle that, whether an agreement has been concluded or not, the administering authority is already under obligation to apply the basic principles of the Charter in those of their territories which are to come under trusteeship.

The whole concept of trusteeship is still new, and it is natural that countries administering dependent areas are not eager for outside authorities to interfere with their administration. But, as in the case of the Economic and Social Council, a beginning has been made, and the native peoples now have certain minimum rights. The principle of petitions to, and of investigations by, the United Nations may, within a very short time, bring about real improvements. Local administration holding almost uncontrolled power is now open to scrutiny and discussion by the UN governments, and subject to review by world opinion.

## CHAPTER SEVEN

# The International Court of Justice

IN TWO international conferences, held at The Hague in 1899 and 1907, the Permanent Court of International Arbitration was established. That court was in reality nothing more than a panel of arbitrators and judges, held at the disposal of disputing states.

At the end of World War I, a Permanent Court of International Justice was established in accordance with the Covenant of the old League of Nations, but as an independent body. The United Nations agreed that it was indispensable that the member nations have at their disposal not only organs capable of resolving political and economic problems, but also machinery to settle legal disputes.

The establishment of a court of justice among sovereign entities is an extremely complex matter, because there is no codified body of international law. The nearest approaches to law which an international court could find are international conventions, international customs, and the general principles of law recognized by civilized nations. However, conventions and treaties are often of a temporary and seldom of a universal nature; customs are debatable; and the principles of law among civilized nations are often subject to modification and varied interpretations.

An even more important obstacle is implicit in the very sovereignty of states, which makes it difficult for them to accept in advance the principle that they are permanently bound by the decisions of a body constituted outside their own jurisdiction.

Another difficulty is that national courts deal with individuals, while an international court has to make its decisions with regard to sovereign states, and there is no executive organ for enforcement of its decisions. It is the states themselves which decide whether they will or will not conform to that judgment.

Finally, in all international disputes there are political elements which cannot easily be classified in any given category.

Thus an international court of justice will be able to function fully only when the integration of humanity is far more advanced; when international law has been codified; and when and if world organization has succeeded in attaining the peaceful co-existence of its member states for a prolonged period.

New Court or Old Court? The United Nations has entrusted the setting-up of the structure of an International Court to a Committee of Jurists. That Committee, comprising jurists from forty-five nations, met in Washington, D.C., in April 1945.

The mandate of the Committee of Jurists was a limited one. They had to establish within the United Nations and on the basis of the Dumbarton Oaks proposals an international judicial organ.

The second limitation on the mandate of the Committee lay in the fact that the new juridical instrument could not be different from the old one, for the legal basis of relationships between states had not been altered since the time the first International Court was established. There has been no body of codified international law, no general acceptance by all states to submit themselves in advance to an international court; nor did the Dumbarton Oaks proposals provide for such an obligation.

The Committee had to decide whether to transfer the whole court bodily into the new Organization, or to create a new court.

Whichever choice they made, problems arose:

If they should transfer the old court bodily into the new Organization, the sixteen states—either enemies or neutrals—which were members of the old court but not invited into the United Nations would automatically become parties to the statute of the Court, and thus be associated with the political functions of the United Nations.

There were strong reasons against such a solution, as the United Nations could not agree to be associated with neutral countries until it had reached the conclusion that these neutrals were ready to accept all the obligations of the Charter, and that their participation would help in the maintenance of peace and security.

Even if the neutrals were to participate only as parties to the statute, and not as members of the United Nations, it was felt that it was premature to admit them until the General Assembly had made a decision.

As far as the enemy states are concerned, it was evident that any decision on this subject would have to wait until the Peace Conference.

The second difficulty was that under the Permanent Court of International Justice a great number of states had accepted the clause of compulsory jurisdiction of the Court. This means that they have recognized the compulsory jurisdiction of the Court in disputes with other states which have accepted the same obligation. The jurisdiction of the Court therefore applies to all legal disputes between states which have accepted the clause of compulsory jurisdiction in relation to:

1. The interpretation of a treaty
2. Any question of international law
3. The existence of any fact which, if established, would constitute a breach of an international obligation

4. The nature or extent of the reparation to be made for the breach of an international obligation.

In creating an entirely new court and discontinuing the old, the advantage to world peace and the legal process which resulted from the acceptance by many states of this clause would have been lost. Therefore the solution was finally reached of building the new International Court of Justice on the foundations of the old Permanent Court of International Justice, the new court to be integrated into the framework of the United Nations, automatically making all members parties to the statute.

At the same time it was also agreed that all those members of the United Nations which were parties to the old court and had accepted the clause of compulsory jurisdiction would automatically continue their obligation under the new court for the period of its validity (i.e. the number of years for which a given state has expressly agreed to accept this clause).

**Organization of the Court.** The Court consists of fifteen members. In order to secure the absolute impartiality of the Court, specific provision is made that no two judges may be nationals of the same state. A judge who may be regarded as a national of more than one state shall be considered as a citizen of that country in which he ordinarily exercises civil and political rights.

The qualifications for the fifteen members of the Court are among the most stringent of those required for any high official of the United Nations. Their qualifications must be equal to the standards of appointment to the highest judicial office in their own countries, or they must be jurisconsults of recognized competence in international law.

**Election of Judges.** The candidates are elected by both the Security Council and the General Assembly, in separate independent procedures. The most exact weighing and comparing job must be done in the two principal organs of the United Nations. Those candidates who have obtained an absolute majority in both the General Assembly and the Security Council shall be considered elected.

The Court as a whole must reflect the principal civilizations and legal systems of the world.

Selection of Court members is made by the Assembly and the Security Council on the basis of proposals by national panels which are special groups of no more than four eminent jurists.

The statute goes so far as to recommend that the various groups which are proposing candidates consult their highest courts of justice, their learned institutions, academies, and schools of law to ascertain that the authority of the judges will be unquestioned.

The General Assembly, upon recommendation of the Security Council, will regulate participation in the election to the Court

of those states which are parties to the statute but not members of the United Nations.

Once the different national panels have made their proposals, the Secretary-General lists them alphabetically and submits them to the Assembly and the Security Council. In the election by the Security Council, any distinction between permanent and non-permanent members disappears. If more than one national of the same state obtains an absolute majority in both the Assembly and the Security Council, the older one of these shall be elected. Three separate meetings of the Council and the Assembly may take place in order to fill the seats of the Court. If after the third meeting some seats still remain unfilled, then a joint conference of six members—three appointed by the General Assembly and three by the Security Council—may be formed at the request of either of the two organs.

This conference is to choose by an absolute majority one name for each seat still vacant, and then to submit it to the Assembly and to the Council. If in the course of the conference a person is unanimously agreed upon who has not been included in the original list of candidates, his name may also be proposed to both the Assembly and the Council. If the joint conference feels that it cannot be successful, then the members of the Court who have already been elected shall fill the vacant seats by selection from among those candidates who have obtained votes, either in the Assembly or in the Council.

The members of the Court are elected for nine years, and may be re-elected. In order that the organization shall not find itself with a completely new set of judges after these nine years, it has provided that the terms of five judges elected at the first Assembly shall expire at the end of three years, and the terms of five more at the end of six years.

Immediately after the election took place in London, the Secretary-General drew lots which determined the judges whose terms shall expire after three and six years. The members of the Court continue to discharge their duties until their places have been filled and they complete the cases they may have begun.

Once in office, the judges must abstain from any other professional occupation. They must not be agents, counsels, or parties in any case, and they may not exercise any administrative or political functions. At the slightest doubt, a decision of the Court is required. In order to secure the fullest independence for the judges, neither the General Assembly nor the Security Council has any jurisdiction over them once they have been elected. The Court alone has power to dismiss them, and in order to do so there must be unanimity among the other judges. Of course, when engaged in the business of the Court, the judges enjoy

diplomatic privileges and immunities. Before a member of the Court takes up his duties in the supreme tribunal of the world, he must make a solemn declaration in open court that he will exercise his powers impartially and conscientiously. The President and Vice-President of the Court are elected for three-year terms and may be re-elected. The annual salary of a judge is \$21,000 (approx. £5,250). The President receives a special supplementary allowance.

The general administrative functions of the Court are fulfilled by a Registrar who is elected by the Court, and whose salary is fixed by the General Assembly upon the Court's proposal. The General Assembly also fixes the provisions governing the retirement of judges and of the Registrar. The United Nations bear the expenses of the Court in accordance with the decisions of the General Assembly.

The seat of the Court is The Hague, Holland. The Court has the right to sit elsewhere whenever it is deemed desirable.

The Court is permanently in session except for judicial vacations, and a detailed procedure is provided so that, in principle, the Court always sits in full complement. The minimum quorum is nine.

As in corresponding national courts, the International Court of Justice may form Chambers for dealing with particular categories of cases, and the judgments rendered by these Chambers are considered as having been rendered by the Court.

The Court frames its own rules of procedure, and may have assessors to sit with the Court or with any of the Chambers and advise or co-operate with the judges if needed. The assessors have no voting power.

When a dispute comes before the Court, judges of the nationality of each of the parties retain their right to sit on the case. If one of the judges is of the same nationality as one of the parties before the Court, then the other party has the right to choose a judge of its own nationality. If there is no judge of the nationality of any party before the Court, the parties have the right to appoint judges of their nationality for the case.

Competence of the Court. Only states may appear before the Court; any private society, group, or individual citizen may not be a party to a case before the Court.

Public international organizations—that is, any international inter-governmental agencies such as the Food and Agricultural Organization and others—may volunteer, or may be called upon by the Court, to furnish it with information regarding cases before it.

The Security Council determines the conditions under which the Court shall be open to states which are not parties to the statute. These states are assured of complete equality of treat-

ment with the member states of the United Nations, which are automatically parties to the statute.

The jurisdiction of the Court is threefold. Firstly, it comprises all the cases which parties voluntarily refer to it; secondly, it comprises all matters provided for in the Charter of the United Nations and in international treaties or conventions; and thirdly, it is compulsory for all states which have made a special declaration to the effect that they accept such jurisdiction either unconditionally, or with regard to certain states, or for a certain time. These declarations shall be considered as acceptances of the compulsory jurisdiction of the International Court of Justice in accordance with their terms and for the period of their stated validity. The Secretary-General of the United Nations will make copies of these declarations available to the parties to the statute and to the Registrar of the Court.

As soon as all the states of the world, large and small—and particularly the United States and Russia—have made the declaration that they accept the compulsory jurisdiction of the Court, the world will be moving toward a more orderly settlement of its affairs.

The power to decide whether the Court has jurisdiction over any given case is vested in the Court itself.

All references to the Permanent Court of International Justice (old court) contained in treaties and conventions still in force between the members of the United Nations will now be considered as references to the International Court of Justice.

An important question is what laws the Court shall apply, especially in view of the relatively limited body of international law. As provided in the statute, the Court shall apply international conventions, international custom, the general principles of law recognized by civilized nations, judicial decisions, and the teachings of the most highly qualified publicists of the various nations—the last-mentioned being a subsidiary means for the establishment of rules of law. However, if the parties agree to it, the Court shall have the right to decide a case in "equity and justice." The greatest hope for the establishment of a body of international law lies in the right of the Assembly to recommend to the member nations the codification of international law.

**Enforcement of Court Judgments.** The International Court of Justice is the principal judicial organ of the United Nations, and all members agree to comply with its decisions in any case to which they are a party. If a member of the United Nations which has agreed to be a party to the Court on a given conflict refuses to perform the obligations of a judgment rendered by it, the other party may have recourse to the Security Council, which may make recommendations or decide upon measures in order to



give effect to the judgment. This is an important provision, for it creates for the first time an enforcement procedure for the application of the decisions of an international court of justice. It is true that this enforcement procedure is still limited to those cases where a state has accepted the jurisdiction of the Court and even then must await favourable action by the Security Council. But the fact remains that a new legal concept for juridical procedure in the international field has been established.

While the members of the United Nations are automatically parties to the Court—which means they may use its services for any dispute—they nevertheless reserve their right to entrust the solution of their differences to other tribunals.

**Procedure.** A case is brought before the Court either by the notification of a special agreement between states or by a written application to the Registrar. The parties to the case must be named and the subject of the dispute must be stated in this document. The application is then communicated by the Registrar to all concerned, to any other states entitled to appear before the Court, and through the Secretary-General to the members of the United Nations.

The Court has the power to take any provisional measures to ensure the preservation of the respective rights of either party. The parties of the Security Council will be given notice of the proposed measures, pending the final decision of the Court.

Parties before the Court will be represented by agents, and may have the assistance of counsel or advocates. Independent exercise of their duties is guaranteed to the agents, counsel, and advocates through the privileges and immunities granted them. The Court must apply directly to the governments of the states concerned when notice is to be served on persons other than the agents, counsel, or advocates, or when on-the-spot evidence must be procured.

If the President is unable to preside, his place will be taken by the Vice-President or the senior judge, in that order.

The public is to be admitted to all hearings, unless otherwise decided by the Court, or unless the parties to the case demand that the public be barred.

The failure of one of the parties to appear before the Court or to defend its case may result in the other party's calling upon the Court for a decision in favour of its claim. Before granting this demand the Court must satisfy itself both that it has jurisdiction under the statute and that the claim is well founded in fact and law.

When the Court withdraws to consider the judgment, its deliberations are secret. A decision by the majority of the judges present is required on all questions. In case of a tie, the President

or the judge acting in his stead wields the deciding vote. When there is a lack of unanimity among the judges, a dissenting opinion may be written by any judge.

The judgment must be read in open court. It has binding force only between the parties, and with regard to the particular case under consideration. If the meaning or scope of the judgment is in doubt, any party may request the Court to define it.

The Court's judgment is final and without appeal, except in the event of the discovery, after a decision has been given, of a fact that has vital bearing upon the case. It must be established, however, that ignorance of this fact by both the Court and the party claiming revision was not due to negligence. The request for revision may be made not later than six months after the discovery of the new fact, and no application will be accepted later than ten years after the date the decision was given.

The Court will decide as to the validity of a request by any state seeking permission to intervene in a case deemed by it as affecting its legal interests.

When the Court's interpretation of a convention is in question, states which are parties to the convention, but not parties to the case, will be notified by the Registrar and will have the right to appear before the Court. If any state should take advantage of this provision, the judgment of the Court is equally binding upon it. Unless otherwise decided by the Court, each party shall bear its own costs.

**Advisory Opinions.** One of the most important functions of the International Court of Justice is to furnish advisory opinions to the General Assembly and the Security Council, upon request.

The General Assembly may authorize other organs of the United Nations as well as the specialized agencies to consult the Court. In such a case, however, the Court is to confine its advisory opinions to legal questions arising within the scope of their activities. This is a departure from the statute of the old court. However limited its field of application under the Charter, this new provision is a step forward. The competence of the Court is thereby broadened.

When the advisory opinion of the Court is sought, a written request must be addressed to the Court, stating the nature of the question and providing all documents that may help in clarifying the case. All states which have the right to appear before the Court will be informed immediately by the Registrar that an advisory opinion has been requested.

States entitled to appear before the Court, as well as international organizations likely to be able to furnish information on the question, will be notified by the Registrar that, within a time limit to be fixed by the President, statements may be submitted.

Finally, opinions will be rendered in open court after notification of the Secretary-General and the states and international organizations immediately concerned.

**Amendments to the Statute.** The procedure of amending the statute follows the same lines as that applied to amending the Charter itself. The only limitation resides in the power of the General Assembly which, upon recommendation of the Security Council, may regulate the participation of those states which, although parties to the statute of the Court, are not members of the United Nations.

## CHAPTER EIGHT

### The Secretariat

ALMOST EVERY week new people arrive at UN headquarters from various parts of the world. They include former ambassadors, famous professors and scientists, specialists in economics and health problems, newspapermen, translators, statisticians, researchers, administrators, and secretaries. They have all been selected from a vast number of applicants to work in the International Secretariat of the United Nations.

They are the first true international citizens. Their time, their energies, their allegiance belong to the United Nations. They may receive no orders or instructions from their own governments. Before beginning their service they must take an oath of allegiance to the United Nations, and from that moment on they are part of a system which, it is hoped, will one day become the most highly qualified civil service in the world.

The oath of allegiance reads:

"I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion, and conscience the functions entrusted to me as a member of the international service of the United Nations, to discharge those functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization."

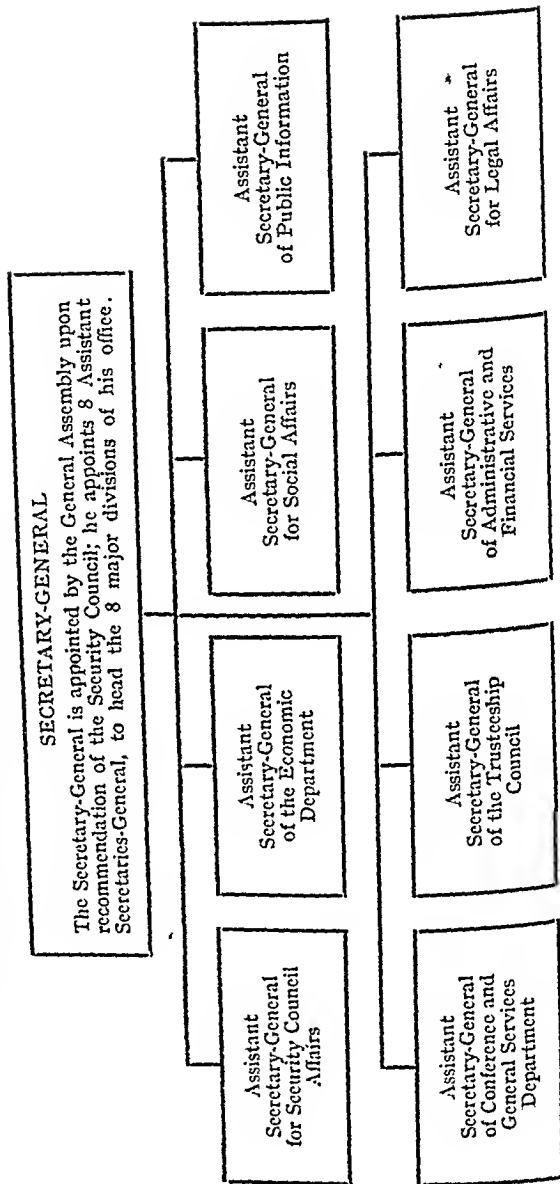
The Secretariat is the organ upon which the success of the UN will depend to a considerable degree. While the delegates to the General Assembly and the other organs of the UN come and go according to the shifting fortunes of their governments, the Secretariat remains permanently at work. The delegates to the other organs are bound to their countries by national loyalties; it is the Secretariat alone, with its statutory impartiality toward the various countries, which is in a position to create the atmosphere of international confidence without which the United Nations cannot succeed.

The Secretariat serves as the permanent liaison between the different branches of the UN and between the specialized agencies within the organization itself. It prepares every session of the Assembly, the Economic and Social Council, and the Trusteeship Council. One of its minor functions is to hold the key to every safe in which international treaties are registered.

## THE SECRETARIAT OF THE UNITED NATIONS

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*The Secretariat is the general administrative organ of the UN. It is a permanently functioning organ. It serves as the permanent liaison between the different branches of the UN and between the specialized agencies within the Organization itself. It prepares every session of the Assembly, the Economic and Social Council, and the Trusteeship Council.*



To secure the most highly qualified people for the jobs, the first step was to elect a competent Secretary-General.

**The Secretary-General.** The Secretary-General has the broadest international powers ever conferred upon a single person. He is the authorized representative of the whole United Nations and the main liaison between all existing international agencies.

**Election.** The Secretary-General is appointed by the General Assembly upon recommendation of the Security Council. Once he has been approved by the majority of members of the Security Council—including all of the Big Five—his candidacy is proposed to the General Assembly for final election. His nomination and appointment should be discussed at private meetings. The vote on his appointment must be made by secret ballot.

The Secretary-General is appointed for a term of five years, and receives an annual tax-free salary of \$20,000 (approx. £5,000), with an additional \$20,000 for representation costs. The United Nations also maintains his official residence. His appointment may be renewed at the end of the five-year period.

When he retires from office no member state shall offer him—at least not immediately—a governmental position in which any of the confidential information he might have gathered during his service would embarrass other members of the UN.

**The Functions of the Secretary-General.** The Secretary-General has so many different duties and is entrusted with so many responsibilities, practically all of them vital, that he is bound to play an increasingly important role in every international activity. He is the Secretary-General not of one organization but of several—of the Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council. In his hands the general and administrative functions of the whole Secretariat are concentrated. He makes all appointments within the United Nations in his own right. However, he does not make them without consulting the various governments, especially when he appoints higher personnel, since he cannot be expected to know the most competent candidates all over the world. But he makes the decision, and he has the responsibility for the highest efficiency and teamwork in the Secretariat.

The financial assets of the United Nations, as well as the preparation of budgets, extension or curtailment of services, budgetary arrangements with different specialized agencies, and collection of contributions from member states—all are in the hands of the Secretary-General.

All communications within the UN or any of its organs are channelled through the Secretary-General. He is responsible for the preparation of the work to be taken up at the various sessions and for the execution of the decisions adopted at those meetings.

And every year he presents a report to the General Assembly. In this report he describes the work of the United Nations and takes stock of important international developments—political, economic, social, and others.

**The Secretary-General—Guardian of World Peace.** But the most important function of the Secretary-General is his right to bring to the attention of the Security Council any matter that may threaten the maintenance of international peace and security. The Secretary-General is therefore equal in this respect to any government of the UN or to the General Assembly as a whole. Through these functions he becomes the custodian of international peace and security. Whenever or wherever political, economic, or territorial difficulties appear which may threaten world peace, it is his right and duty to put the UN machinery in motion. There is as yet no precise interpretation of these powers of the Secretary-General. In the concept of the Charter he is meant to be not only an element of vigilance but also one of inspiration to the United Nations as a whole. That is why he also has the right to put on the agenda of the Assembly any item he may consider to be important and to fall within the scope of the UN.

These wide powers concentrated in the hands of a single individual are the result of twenty-five years' experience. In the League of Nations it was often felt that, outside the national governments and temporary delegations, there should be one element of cohesion—an element completely taken out of the field of day-by-day conflicts and frictions among the governments. One element was needed to serve as a confidential mediator and advisor among the various member states, and this element must be the chief officer of the international organization.

The absence of such an element in the crises of the '30's and the resulting weakness in the whole collective security machinery were not forgotten by those who framed the new organization. That is why the Secretary-General of the UN was made not only its chief administrative officer but its chief political factor as well.

**Departments of the Secretariat.** The Secretariat is divided into eight main departments. All of them work under the authority of the Secretary-General, whose office co-ordinates their activities. The Secretary-General's office also deals with problems of protocol and it receives and handles the innumerable communications which come in from all over the world.

**The Functions of the Departments.** Each department is under the direction of an Assistant Secretary-General who in turn is assisted by one or more top-ranking directors. Each department is subdivided, each division headed by a director.

There are specific responsibilities for each department. Because of the interrelation of the various international problems with

which they are dealing, the departments must be ready to serve in whatever situation their services are required. In order to obtain maximum efficiency and to avoid undesirable rivalry between departments, or the duplication of effort, complete co-operation must exist between the various services.

The General Assembly needs all the services of the Secretariat and the fullest co-operation of each of the eight departments. The Security Council needs the services of the Department of Security Council Affairs; besides, it may, for instance, have recourse to the Department of Economic Affairs, the Legal Department, and the Department of Trusteeship.

This is how the eight departments are organized:

(1) The Department of Security Council Affairs is mainly the servant of the Security Council, and helps it in the fulfilment of its functions. This department must be composed of people who can be of particular help to the Council not only in its peace-maintaining functions but also in its military and enforcement measures. It also serves the General Assembly whenever that body takes up matters relating to the maintenance of peace and security.

While the Security Council has only one main servant, the Economic and Social Council has two—the Department of Economic Affairs and the Department of Social Affairs, and can appeal as often as necessary to other departments.

(2) The Department of Economic Affairs deals mainly with the following questions: economic, fiscal, transport and communications, statistics, full employment, standards of living, international trade, industrial development, and food. This department serves the Economic and Social Council as well as the various committees and commissions which deal with economic problems. It also handles for the Secretariat the co-ordinating of all international agencies which come within the field of economic affairs. Whenever an international conference takes place—for example, of the Food and Agriculture Organization, International Labour Office—this department participates in it and fulfils the functions of a harmonizing centre as provided for in the Charter.

The statistical division of the Department of Economic Affairs is being organized to serve as the main clearing-house for statistical data received from every major international organization.

(3) The Department of Social Affairs deals mainly with the following: health, control of narcotic drugs, various aspects of social welfare, refugees and displaced persons, cultural matters, and human rights. This department works with the special commissions established by the Economic and Social Council, and has a central research division which co-ordinates the material relating to all the above-mentioned fields.



The Social Affairs Department works in close co-operation with the international agencies in the fields of social affairs: it deals directly with the United Nations Educational, Scientific, and Cultural Organization, and on specific social problems with the International Labour Office, the United Nations Relief and Rehabilitation Administration, the Food and Agriculture Organization, and others.

(4) The Department of Trusteeship deals with all problems related to trusteeship and dependent territories. This department prepares all research and documentation concerning the colonial and mandated areas.

(5) The Legal Department advises the Secretariat and all other organs on legal and constitutional matters. The Legal Department is the general counsel of the Secretariat and the other organs. It advises them especially on the drafting of legal agreements, rules of procedure, and constitutional matters. This department also deals with questions concerning immunities and privileges.

(6) The Conference and General Services Department is in charge of making arrangements for the various meetings and staffing conferences. Among other things, this entails providing translators, recorders, guards; and the publication of the official journal. This department also deals with private organizations and handles the official communications to governments. In its hands also are the library with its research and reference facilities, supervision of language services, the registry, purchase of equipment, transportation, supplies, mail, and messenger services.

(7) The main task of the Office of Public Information is to inform the public of the world about everything done by the Organization. It handles the press, publications, broadcasting, films, graphic exhibitions, public liaison, and reference material.

This department is in a delicate position. It must be absolutely objective. It has no right to editorialize and propagandize and it may not take sides on the various controversial issues. It has no right to say which government is right and which wrong before the Assembly, Security Council, or the other organs of the UN. Its role is one of creating an informed understanding of the work and purposes of the UN among the peoples of the world. It is of primary importance for the department to work with and rely upon the co-operation of the established governmental and non-governmental information agencies.

In order to cover the various regions, the Department of Public Information is opening branch offices all over the world. The UN governments realize that without the backing of public opinion they can never hope to create that moral support and understanding which is indispensable to the United Nations.

(8) The Department of Administrative and Financial Services

plans the entire organization of the Secretariat and aids in the development of the whole internal organization.

This department is subdivided into three offices:

1. The Budget Office assists the Secretary-General in the preparation and administration of the central budget. It contributes to the development of the internal organizational arrangements of the Secretariat. This office must approve every single item of expenditure of every department.

2. The Personnel Office is responsible for all problems pertaining to personnel. It recruits staff members, establishes the scale of salaries, and maintains liaison with the International Civil Service Commission.

3. The Comptroller's Office supervises the soundness of the financial system, the proper handling of the funds of the United Nations, and maintains financial liaison with national authorities. This office is in charge of the administration, the retirement and provident funds, employee compensation funds, and related matters.

**Selection of Candidates for the Secretariat.** Any citizen of the United Nations—of either sex, and of any legal age up to sixty—is eligible for all posts in the Secretariat. The Secretariat tries to find candidates from as many nations as possible in order to secure an organization of a truly international character.

If important positions are open, the Secretariat is obliged to give the widest publicity regarding these openings to all the United Nations. All appointments are made on a competitive basis.

The regulations for an appointment require high standards of character, ability, technical capacity, and a strong sense of duty, discretion, and reliability. Appointments for the higher offices in the Secretariat must be made by the Assistant Secretary-General in charge of the department, with the approval of the Secretary-General. For appointments to other functions, the Secretariat will establish written or oral examinations, but since the Secretariat is dealing with entirely new problems the methods of examination will be very flexible at first. Examinations will be particularly informal for those candidates who, owing to war service, may not have the desired academic qualifications. In this case an interview and an analysis of personal records will be considered as a satisfactory qualifying test.

In principle, any candidate for a position in the UN should apply to the Personnel Department of the Secretariat for an application form. On this form he is asked detailed questions about the date and place of his birth, nationality at time of birth and at present, about his family situation, whether he has ever had a nervous breakdown, whether he has ever been discharged or forced to resign from any post, whether relatives by blood or

marriage are already employed by the UN, his knowledge of languages, typing and shorthand speeds, his previous positions, whether he is willing to travel, the kind of work preferred, and similar questions. Each candidate is asked to indicate as references three persons who are not related to him by blood or marriage.

Each of these applications is then investigated by the Personnel Department, checked against the requirements of the various branches of the Secretariat or other committees, and the final decision is reached.

However, there are two other methods of being admitted to the Secretariat: one is by the request of a high official of the Secretariat who has direct knowledge of the qualifications of the candidate; the other is by recommendation, whether from the candidate's national government or from outstanding private organizations which have been working in the field of international affairs, or from inter-allied official agencies.

Every candidate who is accepted will be appointed either for temporary or for permanent service. The Secretary-General may designate a probation period for those appointed to permanent posts in the Secretariat; during this time there will be training facilities to initiate the candidate in his new duties. Whenever necessary, the candidate will have to submit to examinations at the end of this probationary period.

All contracts are subject to review every five years, but an employee may not be dismissed unless there is a curtailment of the service in which he has been working. National representation in the Secretariat must be adequately distributed over wide geographic areas, and the employees are expressly guaranteed against dismissal in favour of bringing in nationals of other countries.

The interests of the personnel are protected by their right to paid sick-leave, maternity-leave, annual local leave, and, for those who come from other countries, home-leave.

In case of the termination of an appointment, the employee is to receive three months' notice and corresponding indemnity. A certificate stating the nature of his duties and the length and quality of service will be given to any employee on leaving the services of the UN.

In case of accident or sickness, reasonable compensation is provided for the employees, and a retirement fund is made up of deductions from salaries and of contributions from the UN.

Transportation costs to and from the assigned place of work of a permanent employee and his family will be paid by the United Nations.

All members of the staff enjoy immunities and privileges required for the effective exercise of their functions, forestalling any pressure by individual governments. The staff is represented

in discussions of problems relating to appointments and also has the right of appeal in contract and termination cases.

**Disciplinary Measures.** In order to secure the highest efficiency for a Secretariat which is entrusted with such delicate tasks among so many governments, the Secretary-General and his authorized deputies have been given wide powers in applying disciplinary measures. In order of severity, these measures shall include: oral warning, written reprimand, and censure; transfer to an inferior post; suspension with or without pay; and discharge or summary dismissal. A member of the staff whose work has been unsatisfactory may be discharged, but the employee will be given an opportunity to state his case in writing. The most severe measure the Secretary-General or his deputy may take is summary dismissal in case of serious misconduct. When an employee is charged with serious misconduct and the Secretary-General feels that his continuance in office might prejudice the interests of the whole service, he can be suspended immediately, pending the results of an investigation. The suspension is not prejudicial to the rights of the staff member, if investigation should prove his innocence.

**Salaries.** The Charter and the resolutions of the Assembly provide for a very highly qualified staff; top salaries are sufficiently attractive to make it possible for highly competent people to leave their normal occupations or professions to join the Secretariat.

The following salary scale has been established: Assistant Secretaries-General will receive \$13,500 (approx. £3,375) per year, plus \$7,000 to \$11,500 (approx. £1,750 to £2,875) representation costs; top-ranking directors \$11,000 (approx. £2,750), and from \$3,000 to \$6,000 (approx. £750 to £1,500) representation costs. The Assembly left the salaries for other categories of employees to the Secretary-General and the different services, with ceiling slightly under the highest salary (\$11,000) (approx. £2,750) fixed by the Assembly.

The Secretary-General and the services established the following scale: Director of a Division, \$6,000 to \$10,700 (approx. £1,500 to £2,675), and no representation costs; Political and Administrative Affairs officers, from \$6,000 to \$10,700 (approx. £1,500 to £2,675); Economic Affairs officers, from \$4,500 to \$9,700 (approx. £1,125 to £2,425); economists, statisticians, archivists, social affairs and public information officers, from \$4,500 to \$9,700 (approx. £1,125 to £2,425); secretaries, from \$2,000 to \$3,700 (approx. £500 to £925).

All salaries of the UN personnel are tax-exempt. Revisions upwards have already been made, and further adjustments are in process.

**Co-operation with other Civil Services.** As the Secretariat of United Nations services all the fifty-one nations, plans were made for close co-operation with the civil services of all countries, in order to secure the exchange of information on administrative experience, co-operation of personnel, and other problems.

One of the plans provides for members of the Secretariat to be loaned to different national organizations for a short term. Often a government department or embassy is asked to loan one of its specialists to a certain section of the UN for short periods. When this idea of exchange is in full operation both ways it may contribute considerably to a closer understanding among the officials of the various countries and those of the United Nations.

Provisions have been made to assure the closest co-operation between the International Secretariat and the various specialized agencies such as the World Bank, the Food and Agriculture Organization, the International Labour Office, and the United Nations Educational, Scientific and Cultural Organization.

The number of members of the staff of the UN Secretariat is 2,500 and, together with the other inter-governmental agencies, the emerging international civil service may soon exceed 10,000. The working experience and administrative regulations of this new civil service may later be used by the member states as a model for their own services in the fields related to international activities.

## Conclusion

THE AFTERMATH of war is never beautiful. The present post-war period is harder to bear than that which followed the first World War. The destruction and the losses in human lives are more terrible; famine has come to stay in many parts of the world; the seeds of suspicion among countries and hatred among men planted in the inter-war period have grown.

This is the world in which the young United Nations—the idea of which was born during and because of the war—has had to make its first groping steps.

It is too early in history to pass final judgment on the United Nations just as it is too early to say whether our civilization will survive or go under in atomic destruction.

From the day the United Nations came into being it was constantly faced with emergencies resulting from events that had happened before it was created. Instead of being able to undertake the gigantic task of building a peaceful world, in the atmosphere of calm and confidence indispensable to long-range planning, the United Nations inherited all the conflicting problems which victory did not solve. Cordell Hull, as early as 1943, counted thirty areas of conflict, and this already considerable number has since increased. If we add to these all the ideological and economic conflicts, and the unavoidable clashes of temperament between peoples whose nerves have been strained by long years of war, we get a clearer image of the complex situation faced by the United Nations.

The only instrument the United Nations has at its disposal to cope with such a tragic situation is the Charter. The Charter, as we have seen, is at the same time a masterpiece of political thinking and a most complex constitutional machine.

In the final analysis, the Charter refers the solution of every economic, social, human rights, and educational problem back to the individual national state for approval, in the same way as it refers action on security matters back to the Big Five for approval. And yet neither the individual state nor any of the Big Five is the final arbiter of the United Nations; for all the member states are bound by its principles and purposes, which are: the maintenance of international peace and security; the well-being of humanity; respect for human rights; and fundamental freedoms for all.

Up to now many governments—and, for that matter, their peoples, too—have not yet realized the full impact of the document they have signed and ratified and of the Organization of

which they have become members. No government has even begun to look carefully at its own constitutional and governmental practices to see whether they conform to the principles of the Charter which it has solemnly pledged itself to uphold.

To many governments the whole United Nations is still something outside their own lives. It is still an ideal on a pedestal, which they regard with admiration but which remains unrelated to the everyday problems of each country.

Yet slowly the General Assembly, the Security Council, the Economic and Social Council, and their various Commissions are beginning to attract the attention of the governments and the peoples of the United Nations. Already each session of the organs of the United Nations has become a major international political event.

Whether one likes it or not, the fact remains that the United Nations is in existence, and that all the problems of our time are brought before it. No one can stop even the smallest countries from making their voices heard. No one can bar public opinion from discussing and commenting upon these issues. The United Nations has become, within a few short months, the most public of governmental institutions. Its very international character makes it impossible for it to keep its activities secret, or to isolate itself from any contact with world public opinion.

Isolated issues which are being brought before the United Nations are slowly fitting themselves into the over-all global picture in which interrelations become more apparent. It becomes clearer that security and economic well-being, individual freedom and high educational standards are part of one and the same pattern; it becomes clearer that no country will be able to cheat the United Nations for any length of time—i.e. try to get out of it all the advantages without making any sacrifices to it.

The United Nations is not a static Organization whose sole duty it is to maintain territorial possessions, strategic areas, colonies or mandates, spheres of influence, or economic empires. The United Nations can function at its best only when the principles of justice and equality among all are applied in a constant process of peaceful adjustment.

Can this be accomplished? The peoples of the world and every citizen of the United Nations will give the answer. Each of them has his hands on the wheel of progress; each of them can make it turn back to the Dark Ages or forward to a glorious future. The only thing no one can do is to make it stand still.

## APPENDICES

### A \* Charter of the United Nations

WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our life-time has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom,

AND FOR THESE ENDS

to practice tolerance and live together in peace with one another as good neighbours, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

HAVE RESOLVED TO COMBINE OUR EFFORTS TO ACCOMPLISH THESE AIMS.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.



## CHAPTER I

## PURPOSES AND PRINCIPLES

Article 1—The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a centre for harmonizing the actions of nations in the attainment of these common ends.

Article 2—The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

4. All Members shall refrain in their international relations from

the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

## CHAPTER II

## MEMBERSHIP

Article 3—The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by the United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4—1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

**Article 5**—A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

**Article 6**—A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

### CHAPTER III

#### ORGANS

**Article 7**—1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

**Article 8**—The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

### CHAPTER IV

#### THE GENERAL ASSEMBLY

##### *Composition*

**Article 9**—1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

##### *Functions and Powers*

**Article 10**—The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the

powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

**Article 11**—1. The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

**Article 12**—1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative

to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13—1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international co-operation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international co-operation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1(b) above are set forth in Chapters IX and X.

Article 14—Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15—1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16—The General Assembly shall perform such functions with

respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17—1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

### *Voting*

Article 18—1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1(c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19—A member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have

no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

### *Procedure*

**Article 20**—The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

**Article 21**—The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

**Article 22**—The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

## CHAPTER V

### THE SECURITY COUNCIL

#### *Composition*

**Article 23**—1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security, and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be

elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

#### *Functions and Powers*

**Article 24**—1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

**Article 25**—The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

**Article 26**—In order to promote the establishment and maintenance of international peace and security, with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

#### *Voting*

**Article 27**—1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be

made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

#### *Procedure*

Article 28—1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29—The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30—The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31—Any member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32—Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for

the participation of a state which is not a Member of the United Nations.

## CHAPTER VI

### PACIFIC SETTLEMENT OF DISPUTES

Article 33—1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34—The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35—1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36—1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should

take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37—1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38—Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

## CHAPTER VII

### ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39—The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40—In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems neces-

sary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41—The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42—Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43—1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members, or between the Security Council and groups of Members, and shall be subject to ratification by

the signatory states in accordance with their respective constitutional processes.

Article 44—When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45—In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46—Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47—1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Sec-

urity Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48—1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49—The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50—If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51—Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such

action as it deems necessary in order to maintain or restore international peace and security.

## CHAPTER VIII

### REGIONAL ARRANGEMENTS

Article 52—1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35. Article 53—1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54—The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

## CHAPTER IX

### INTERNATIONAL ECONOMIC AND SOCIAL CO-OPERATION

Article 55—With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56—All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57—1. The various specialized agencies, established by inter-governmental agreement and having wide international responsibilities, as defined in their basic instruments in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought



into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58—The Organization shall make recommendations for the co-ordination of the policies and activities of the specialized agencies.

Article 59—The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60—Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

## CHAPTER X

### THE ECONOMIC AND SOCIAL COUNCIL

#### *Composition*

Article 61—1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

#### *Functions and Powers*

Article 62—1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cul-

tural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the General Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63—1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may co-ordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64—1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65—The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66—1. The Economic and Social Council shall perform such

functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

#### *Voting*

Article 67—1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

#### *Procedure*

Article 68—The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69—The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70—The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71—The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the

Member of the United Nations concerned.

Article 72—1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

### CHAPTER XI

#### DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73—Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies

with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

**Article 74**—Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighbourliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

## CHAPTER XII

### INTERNATIONAL TRUSTEESHIP SYSTEM

**Article 75**—The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

**Article 76**—The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

- a. to further international peace and security;
- b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence

as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

**Article 77**—1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;

b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

**Article 78**—The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

**Article 79**—The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held

under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80—1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusion of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81—The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82—There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83—1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations,

avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84—It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defence and the maintenance of law and order within the trust territory.

Article 85—1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

## CHAPTER XIII

### THE TRUSTEESHIP COUNCIL

#### *Composition*

Article 86 — 1. The Trusteeship Council shall consist of the following Members of the United Nations:

n. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the

United Nations which administer trust territories and those which do not

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

#### *Functions and Powers*

Article 87—The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88—The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

#### *Voting*

Article 89—1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

#### *Procedure*

Article 90—1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91—The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

## CHAPTER XIV

### THE INTERNATIONAL COURT OF JUSTICE

Article 92—The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.

Article 93—1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

Article 94—1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95—Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96—1. The General Assembly or the Security Council may request the International Court of Justice

to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

## CHAPTER XV

### THE SECRETARIAT

Article 97—The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98—The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99—The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100—1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101—1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

## CHAPTER XVI

### MISCELLANEOUS PROVISIONS

Article 102—1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103—In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104—The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 105—1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfilment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

## CHAPTER XVII

### TRANSITIONAL SECURITY ARRANGEMENTS

Article 106—Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107—Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

## CHAPTER XVIII

### AMENDMENTS

Article 108—Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two-thirds of the members of the General Assembly and

ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109—1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

## CHAPTER XIX

### RATIFICATION AND SIGNATURE

Article 110—1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of rati-

# B \* Statute of the International Court of Justice

Article 1—The international court of justice established by the Charter of the United Nations as the principal judicial organ of the United Nations shall be constituted and shall function in accordance with the provisions of the present Statute.

## CHAPTER I ORGANIZATION OF THE COURT

Article 2—The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

Article 3—1. The Court shall consist of fifteen members, no two of whom may be nationals of the same state.

2. A person who for the purposes of membership in the Court could be regarded as a national of more than one state shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

Article 4—1. The members of the Court shall be elected by the General Assembly and by the Security Council from a list of persons nominated by the national groups in the Permanent Court of Arbitration, in accordance with the following provisions.

2. In the case of Members of the United Nations not represented in the Permanent Court of Arbitration, candidates shall be nominated by national groups appointed for this purpose by their governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article

44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

3. The conditions under which a state, which is a party to the present Statute but is not a Member of the United Nations, may participate in electing the members of the Court shall, in the absence of a special agreement, be laid down by the General Assembly upon recommendation of the Security Council.

Article 5—1. At least three months before the date of the election, the Secretary-General of the United Nations shall address a written request to the members of the Permanent Court of Arbitration belonging to the states which are parties to the present Statute, and to the members of the national groups appointed under Article 4, paragraph 2, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

2. No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case may the number of candidates nominated by a group be more than double the number of seats to be filled.

Article 6—Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

Article 7—1. The Secretary-General shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in Article 12 paragraph 2, these shall be the only persons eligible.

2. The Secretary-General shall submit this list to the General Assembly and to the Security Council.



**Article 8**—The General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court.

**Article 9**—At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

**Article 10**—1. Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected.

2. Any vote of the Security Council, whether for the election of judges or for the appointment of members of the conference envisaged in Article 12, shall be taken without any distinction between permanent and non-permanent members of the Security Council.

3. In the event of more than one national of the same state obtaining an absolute majority of the votes both of the General Assembly and of the Security Council, the eldest of these only shall be considered as elected.

**Article 11**—If, after the first meeting held for the purpose of the election, one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

**Article 12**—1. If, after the third meeting, one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the General Assembly and three by the Security Council, may be formed at any time at the request of either the General Assembly or the Security Council, for the purpose of choosing by the vote of an absolute majority one name for each seat still vacant, to submit to the General Assembly and the Security Council for their respective acceptances.

2. If the joint conference is unanimously agreed upon any person who fulfils the required conditions, he may be included in its list,

even though he was not included in the list of nominations referred to in Article 7.

3. If the joint conference is satisfied that it will not be successful in procuring an election, those members of the Court who have already been elected shall, within a period to be fixed by the Security Council, proceed to fill the vacant seats by selection from among those candidates who have obtained votes either in the General Assembly or in the Security Council.

4. In the event of an equality of votes among the judges, the eldest judge shall have a casting vote.

**Article 13**—1. The members of the Court shall be elected for nine years and may be re-elected; provided, however, that of the judges elected at the first election, the terms of five judges shall expire at the end of three years and the terms of five more judges shall expire at the end of six years.

2. The judges whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

3. The members of the Court shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

4. In the case of the resignation of a member of the Court, the resignation shall be addressed to the President of the Court for transmission to the Secretary-General. This last notification makes the place vacant.

**Article 14**—Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Secretary-General shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in Article 5, and the date of the election shall be fixed by the Security Council.

**Article 15**—A member of the Court elected to replace a member whose term of office has not expired shall

hold office for the remainder of his predecessor's term.

Article 16—1. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

2. Any doubt on this point shall be settled by the decision of the Court.

Article 17—1. No member of the Court may act as agent, counsel, or advocate in any case.

2. No member may participate in the decision of any case in which he has previously taken part as agent, counsel, or advocate for one of the parties, or as a member of a national or international court, or of a commission of enquiry, or in any other capacity.

3. Any doubt on this point shall be settled by the decision of the Court.

Article 18—1. No member of the Court can be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

2. Formal notification thereof shall be made to the Secretary-General by the Registrar.

3. This notification makes the place vacant.

Article 19—The members of the Court, when engaged on the business of the Court, shall enjoy diplomatic privileges and immunities.

Article 20—Every member of the Court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

Article 21—1. The Court shall elect its President and Vice-President for three years; they may be re-elected.

2. The Court shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

Article 22—1. The seat of the Court shall be established at The Hague. This, however, shall not prevent the Court from sitting and exercising its functions elsewhere whenever the Court considers it desirable.

2. The President and the Registrar shall reside at the seat of the Court.

Article 23—1. The Court shall remain permanently in session, except during the judicial vacations, the dates and duration of which shall be fixed by the Court.

2. Members of the Court are entitled to periodic leave, the dates and duration of which shall be fixed by the Court, having in mind the distance between The Hague and the home of each judge.

3. Members of the Court shall be bound, unless they are on leave or prevented from attending by illness or other serious reasons duly explained to the President, to hold themselves permanently at the disposal of the Court.

Article 24—1. If, for some special reason, a member of the Court considers that he should not take part in the decision of a particular case, he shall so inform the President.

2. If the President considers that for some special reason one of the members of the Court should not sit in a particular case, he shall give him notice accordingly.

3. If in any such case the member of the Court and the President disagree, the matter shall be settled by the decision of the Court.

Article 25—1. The full Court shall sit except when it is expressly provided otherwise in the present Statute.

2. Subject to the condition that the number of judges available to constitute the Court is not thereby reduced below eleven, the Rules of the Court may provide for allowing one or more judges, according to circumstances and in rotation, to be dispensed from sitting.

3. A quorum of nine judges shall suffice to constitute the court.

Article 26—1. The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases; for example, labour cases and cases relating to transit and communications.

2. The Court may at any time form a chamber for dealing with a particular case. The number of judges to constitute such a chamber

shall be determined by the Court with the approval of the parties.

3. Cases shall be heard and determined by the chambers provided for in this Article if the parties so request.

Article 27—A judgment given by any of the chambers provided for in Articles 26 and 29 shall be considered as rendered by the Court.

Article 28—The chambers provided for in Articles 26 and 29 may, with the consent of the parties, sit and exercise their functions elsewhere than at The Hague.

Article 29—With a view to the speedy despatch of business, the Court shall form annually a chamber composed of five judges which, at the request of the parties, may hear and determine cases by summary procedure. In addition, two judges shall be selected for the purpose of replacing judges who find it impossible to sit.

Article 30—1. The Court shall frame rules for carrying out its functions. In particular, it shall lay down rules of procedure.

2. The Rules of the Court may provide for assessors to sit with the Court or with any of its chambers, without the right to vote.

Article 31—1. Judges of the nationality of each of the parties shall retain their right to sit in the case before the Court.

2. If the Court includes upon the Bench a judge of the nationality of one of the parties, any other party may choose a person to sit as judge. Such person shall be chosen preferably from among those persons who have been nominated as candidates as provided in Articles 4 and 5.

3. If the Court includes upon the Bench no judge of the nationality of the parties, each of these parties may proceed to choose a judge as provided in paragraph 2 of this Article.

4. The provisions of this Article shall apply to the case of Articles 26 and 29. In such cases, the President shall request one or, if necessary, two of the members of the Court forming the chamber to give place to the members of the Court of the nationality of the parties concerned, and,

failing such, or if they are unable to be present, to the judges specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point shall be settled by the decision of the Court.

6. Judges chosen as laid down in paragraphs 2, 3, and 4 of this Article shall fulfil the conditions required by Articles 2, 17 (paragraph 2), 20, and 24 of the present Statute. They shall take part in the decision on terms of complete equality with their colleagues.

Article 32—1. Each member of the Court shall receive an annual salary.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for every day on which he acts as President.

4. The judges chosen under Article 31, other than members of the Court, shall receive compensation for each day on which they exercise their functions.

5. These salaries, allowances, and compensation shall be fixed by the General Assembly. They may not be decreased during the term of office.

6. The salary of the Registrar shall be fixed by the General Assembly on the proposal of the Court.

7. Regulations made by the General Assembly shall fix the conditions under which retirement pensions may be given to members of the Court and to the Registrar, and the conditions under which members of the Court and the Registrar shall have their travelling expenses refunded.

8. The above salaries, allowances, and compensation shall be free of all taxation.

Article 33—The expenses of the Court shall be borne by the United Nations in such a manner as shall be decided by the General Assembly.

## CHAPTER II

### COMPETENCE OF THE COURT

Article 34—1. Only states may be parties in cases before the Court.

2. The Court, subject to and in conformity with its Rules, may request of public international organizations information relevant to cases before it, and shall receive such information presented by such organizations on their own initiative.

3. Whenever the construction of the constituent instrument of a public international organization or of an international convention adopted thereunder is in question in a case before the Court, the Registrar shall so notify the public international organization concerned and shall communicate to it copies of all the written proceedings.

Article 35—1. The Court shall be open to the states parties to the present Statute.

2. The conditions under which the Court shall be open to other states shall, subject to the special provisions contained in treaties in force, be laid down by the Security Council, but in no case shall such conditions place the parties in a position of inequality before the Court.

3. When a state which is not a Member of the United Nations is a party to a case, the Court shall fix the amount which that party is to contribute towards the expenses of the Court. This provision shall not apply if such state is already bearing a share of the expenses of the Court.

Article 36—1. The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force.

2. The states parties to the present Statute may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other state accepting the same obligation, the jurisdiction of the Court in all legal disputes concerning:

- a. the interpretation of a treaty;
- b. any question of international law;
- c. the existence of any fact which, if established, would constitute a breach of an international obligation;
- d. the nature or extent of the

reparation to be made for the breach of an international obligation.

3. The declarations referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain states, or for a certain time.

4. Such declarations shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the parties to the Statute and to the Registrar of the Court.

5. Declarations made under Article 36 of the Statute of the Permanent Court of International Justice and which are still in force shall be deemed, as between the parties to the present Statute, to be acceptances of the compulsory jurisdiction of the International Court of Justice for the period which they still have to run and in accordance with their terms.

6. In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

Article 37—Whenever a treaty or convention in force provides for reference of a matter to a tribunal to have been instituted by the League of Nations, or to the Permanent Court of International Justice, the matter shall, as between the parties to the present Statute, be referred to the International Court of Justice.

Article 38—1. The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply:

- a. international conventions, whether general or particular, establishing rules expressly recognized by the contesting states;
- b. international custom, as evidence of a general practice accepted as law;
- c. the general principles of law recognized by civilized nations;
- d. subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

2. This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

### CHAPTER III PROCEDURE

Article 39—1. The official languages of the Court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment shall be delivered in French. If the parties agree that the case shall be conducted in English, the judgment shall be delivered in English.

2. In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers; the decision of the Court shall be given in French and English. In this case the Court shall at the same time determine which of the two texts shall be considered as authoritative.

3. The Court shall, at the request of any party, authorize a language other than French or English to be used by that party.

Article 40—1. Cases are brought before the Court, as the case may be, either by the notification of the special agreement or by a written application addressed to the Registrar. In either case the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith communicate the application to all concerned.

3. He shall also notify the Members of the United Nations through the Secretary-General, and also any other states entitled to appear before the Court.

Article 41—1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.

2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.

Article 42—1. The parties shall be represented by agents.

2. They may have the assistance of counsel or advocates before the Court.

3. The agents, counsel, and advocates of parties before the Court shall enjoy the privileges and immunities necessary to the independent exercise of their duties.

Article 43—1. The procedure shall consist of two parts: written and oral.

2. The written proceedings shall consist of the communication to the Court and to the parties of memorials, counter-memorials and, if necessary, replies; also all papers and documents in support.

3. These communications shall be made through the Registrar, in the order and within the time fixed by the Court.

4. A certified copy of every document produced by one party shall be communicated to the other party.

5. The oral proceedings shall consist of the hearing by the Court of witnesses, experts, agents, counsel, and advocates.

Article 44—1. For the service of all notices upon persons other than the agents, counsel, and advocates, the Court shall apply direct to the government of the state upon whose territory the notice has to be served.

2. The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

Article 45—The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President; if neither is able to preside, the senior judge present shall preside.

Article 46—The hearing in Court shall be public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

Article 47—1. Minutes shall be made at each hearing and signed by the Registrar and the President.

2. These minutes alone shall be authentic.

Article 48—The Court shall make orders for the conduct of the case, shall decide the form and time in

which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

**Article 49**—The Court may, even before the hearing begins, call upon the agents to produce any document or to supply any explanations. Formal note shall be taken of any refusal.

**Article 50**—The Court may, at any time, entrust any individual, body, bureau, commission, or other organization that it may select, with the task of carrying out an enquiry or giving an expert opinion.

**Article 51**—During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the Court in the rules of procedure referred to in Article 30.

**Article 52**—After the Court has received the proofs and evidence within the time specified for the purpose, it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

**Article 53**—1. Whenever one of the parties does not appear before the Court, or fails to defend its case, the other party may call upon the Court to decide in favour of its claim.

2. The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

**Article 54**—1. When, subject to the control of the Court, the agents, counsel, and advocates have completed their presentation of the case, the President shall declare the hearing closed.

2. The Court shall withdraw to consider the judgment.

3. The deliberations of the Court shall take place in private and remain secret.

**Article 55**—1. All questions shall be decided by a majority of the judges present.

2. In the event of an equality of votes, the President or the judge who acts in his place shall have a casting vote.

**Article 56**—1. The judgment shall state the reasons on which it is based.

2. It shall contain the names of the judges who have taken part in the decision.

**Article 57**—If the judgment does not represent in whole or in part the unanimous opinion of the judges, any judge shall be entitled to deliver a separate opinion.

**Article 58**—The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the agents.

**Article 59**—The decision of the Court has no binding force except between the parties and in respect of that particular case.

**Article 60**—The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

**Article 61**—1. An application for revision of a judgment may be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

2. The proceedings for revision shall be opened by a judgment of the Court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

3. The Court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

4. The application for revision must be made at latest within six months of the discovery of the new fact.

5. No application for revision may be made after the lapse of ten years from the date of the judgment.

**Article 62**—1. Should a state consider that it has an interest of a legal nature which may be affected by the

decision in the case, it may submit a request to the Court to be permitted to intervene.

2. It shall be for the Court to decide upon this request.

Article 63—1. Whenever the construction of a convention to which states other than those concerned in the case are parties is in question, the Registrar shall notify all such states forthwith.

2. Every state so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

Article 64—Unless otherwise decided by the Court, each party shall bear its own costs.

#### CHAPTER IV ADVISORY OPINIONS

Article 65—1. The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.

2. Questions upon which the advisory opinion of the Court is asked shall be laid before the Court by means of a written request containing an exact statement of the question upon which an opinion is required, and accompanied by all documents likely to throw light upon the question.

Article 66—1. The Registrar shall forthwith give notice of the request for an advisory opinion to all states entitled to appear before the Court.

2. The Registrar shall also, by means of a special and direct communication, notify any state entitled to appear before the Court or international organization considered by the Court, or, should it not be sitting, by the President, as likely to be able to furnish information on the question, that the Court will be prepared to receive, within a time limit to be fixed by the President, written statements, or to hear, at a public sitting to be held for the purpose, oral statements relating to the question.

3. Any such state entitled to appear before the Court have

failed to receive the special communication referred to in paragraph 2 of this Article, such state may express a desire to submit a written statement or to be heard; and the Court will decide.

4. States and organizations having presented written or oral statements or both shall be permitted to comment on the statements made by other states or organizations in the form, to the extent, and within the time limits which the Court, or, should it not be sitting, the President, shall decide in each particular case. Accordingly, the Registrar shall in due time communicate any such written statements to states and organizations having submitted similar statements.

Article 67—The Court shall deliver its advisory opinions in open court, notice having been given to the Secretary-General and to the representatives of Members of the United Nations, of other states and of international organizations immediately concerned.

Article 68—In the exercise of its advisory functions the Court shall further be guided by the provisions of the present Statute which apply in contentious cases to the extent to which it recognizes them to be applicable.

#### CHAPTER V AMENDMENTS

Article 69—Amendments to the present Statute shall be effected by the same procedure as is provided by the Charter of the United Nations for amendments to that Charter, subject however to any provisions which the General Assembly upon recommendation of the Security Council may adopt concerning the participation of states which are parties to the present Statute but are not Members of the United Nations.

Article 70—The Court shall have power to propose such amendments to the present Statute as it may deem necessary, through written communications to the Secretary-General, for consideration in conformity with the provisions of Article 69.

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